

Public Document Pack



To: Councillor McRae, Chairperson; and Councillors Boulton, Clark, Greig (for items 2 and 3), Lawrence and Thomson and Thomson (for item 4).

Town House,
ABERDEEN 24 September 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, 30 SEPTEMBER 2024 at 11.00 am.**

ALAN THOMSON
INTERIM CHIEF OFFICER – GOVERNANCE

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

BUSINESS

1.1 Procedure Notice (Pages 5 - 6)

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

Link to the [Local Development Plan](#)

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

PLANNING ADVISER - LUCY GREENE

REVIEW ONE

2.1 Detailed Planning Permission for the change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people - 26 Belvidere Crescent Aberdeen - 240366

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 240366

2.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 7 - 32)

2.3 Planning Policies Referred to in Documents Submitted (Pages 33 - 34)

2.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 35 - 42)

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 Detailed Planning Permission for the change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people - 568 Holburn Street - 240503

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 240503.

3.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (if there are any) (Pages 43 - 64)

3.3 Planning Policies Referred to in Documents Submitted (Pages 65 - 66)

3.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 67 - 72)

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 Detailed Planning Permission for the erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works - 8 Woodburn Gardens Aberdeen - 231043

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 231043

- 4.2 Delegated Report, Original Application Form, Decision Notice and Letters of Representation (Pages 73 - 106)

- 4.3 Planning Policies Referred to in Documents Submitted (Pages 107 - 108)

- 4.4 Notice of Review with Supporting Information Submitted by Applicant / Agent (Pages 109 - 288)

- 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 Lynsey McBain on lymcbain@aberdeencity.gov.uk / tel 01224 067344

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LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

PROCEDURE NOTE


GENERAL

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

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

DETERMINATION OF REVIEW

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

 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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Site Address:	26 Belvidere Crescent, Aberdeen, AB25 2NH
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people
Application Ref:	240366/DPP
Application Type:	Detailed Planning Permission
Application Date:	18 April 2024
Applicant:	Mr Richard Lappin
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a ground floor flat in a traditional two-storey, semi-detached granite building. The building contains four flats, arranged in a tradition one-up, one-down flatted arrangement. The application property is located on the south side of Belvidere Crescent, approximately 60m north-east of the junction with Craigie Loanings and Hamilton Place.

The property is surrounded by residential properties of a similar style, which is typical of the street. Parking for the property is available on street by virtue of residents parking permit. The property comprises three bedrooms, one with en-suite, a kitchen and dining room, living room, separate bathroom and has an independent access entrance door from the front of the building. A rear outshot extension which is original to the property contains the kitchen-dining room, and outbuildings used for storage purposes accessed externally (for both flatted properties in the building). To the rear the garden ground is shared with the upper floor flat, including communal drying green and access paths, with dedicated areas for each flat. The rear curtilage is open plan with no subdivided areas and predominantly laid to grass with mature shrub and tree planting to borders.

Relevant Planning History

None.

APPLICATION DESCRIPTION

Description of Proposal

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 proposed maximum occupancy for the three-bedroom STL would be six persons at any one time, with a minimum stay duration of two nights. The property would be operated as an STL on a permanent basis and is understood to have been in operation for around eight years. Customers of the property would have access to one residents parking permit for use of the on-street parking facilities available to the front of the property and would be cleaned after each guest stay.

Amendments

In agreement with the applicant, the following amendments were made to the application –

- The proposal was revised by the applicant to indicate location of a gate in the rear garden ground.

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=SAW8XLBZLI500>

- STL Checklist

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site is located within controlled parking zone (CPZ) L and in the inner-city boundary. The existing and proposed uses would have the same associated parking requirements, therefore there would be no net detriment on on-street parking provision as a result of the development. Furthermore, as the site is located in a CPZ there would be no scope for indiscriminate parking.

ACC - Waste And Recycling – No objection. The proposed development is classified as commercial and would therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins until commercial status is confirmed. Further information was recommended as an Advisory Note for the applicant to be aware of, however, given the recommendation if one of refusal this is not relevant in this instance.

Rosemount and Mile End Community Council – No comments received.

REPRESENTATIONS

None received.

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 (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 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

The following policies are relevant –

- Policy H1 (Residential Areas)
- Policy D6 (Historic Environment)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short-term Lets

Other National Policy and Guidance

- Historic Environment Policy for Scotland (HEPS)
- 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

Key considerations

The key consideration in the assessment of this application is whether the proposed use of the property as a short-term let (STL) would adversely affect the amenity of the area – in particular the amenity of the occupants of the neighbouring mainstream residential flat (upper floor). This aspect

of the proposed change of use, along with all other material considerations, is assessed below:

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 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.*

The Council's Short-Term Lets Aberdeen Planning Guidance (APG) states that the following matters will be taken into consideration in the assessment of planning applications for short term let accommodation:

- *Whether the property is the only or principal home of the applicant;*
- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses.*

Impact on Character and Amenity

The application property is situated within an established residential area (as identified in the ALDP Proposals Map), located in an traditional granite one-up one-down flatted building, within the wider Rosemount neighbourhood. The site is located around 875m north of the city centre boundary and 80m south of the Rosemount Neighbourhood Centre, as such, it is within reasonable walking distance to a wide variety of amenities, both in the city centre and within Rosemount. The surrounding area in general, is predominately residential in character, however there are a variety of commercial and community uses nearby along Rosemount Place, including convenience shops, butchers, hairdresser/beauty salons, professional services, cafes, the Rosemount Community Education Centre, as well as Westburn and Victoria Park in close proximity to the north. A 3-bedroom flat, in use as an STL, would be unlikely to result in a significant increase in activity to the surrounding residential area in terms of general comings and goings of compared to mainstream residential use. Therefore, the proposal is unlikely to have a significant impact on the character of the area. Additionally, the proposed external alterations for

screen fencing are well contained to the rear and not visible from any public vantage points, therefore it is considered that the character and appearance of the conservation area would also be suitably preserved.

STL use would require access by transient guests and cleaners after each visit, presenting an increase in activity and coming and goings to the flatted building, compared to that would be expected for mainstream residential use. The property comprises a c. 130m² three-bedroom flat which could reasonably be expected to be occupied as a permanent residence by three individuals or a family. The proposed use of the short term let by up to six adults would therefore result in a greater occupancy than how it would typically be used as a permanent residence. In addition, the minimum stay of the property is two nights and as such, there would be additional comings and goings from both cleaners and guests potentially multiple times a week. Such comings and goings from transient guests is therefore determined to represent an intensification over and above what would typically be expected compared to mainstream residential use.

In terms of impacts on neighbouring amenity, 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. Whilst it's recognised the application property has its own dedicated entrance, it does share rear garden ground with one other property in the building, the upper flat 28 Belvidere Crescent, which is understood to be in mainstream residential use. In general, 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 via the communal entrance and stairwell 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; and
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The determining issues relating to the refusal for this application relate to the potential noise and amenity impact from the increased movements, use and occupation of the flat itself from a group of up to six adults combined with the addition of cleaners regularly visiting the property. The property is located on the ground floor, and would directly share a floor/ceiling with one other property (upper flat) who could be expected to hear noise transmissions above any other, and indirectly with the adjoining flats in the semi-detached building (22 and 24 Belvidere Crescent). As outlined above, six adults has been identified as an intensification of use of the property over what would be expected in terms of occupancy for its use as a permanent residence. Whilst it is recognised that the applicant has advised the majority of bookings are from families, nevertheless the proposed presence of up to six occupants would also increase the likelihood of the property being used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring residents. As such, when the property is in use, noise transmission being heard above (and potentially to the side) can be expected to increase, in terms of noise from activities within the property during the more sensitive late night and early morning periods. This noise would be worsened by the regular intervals of cleaners required as well as guest check-in and check-outs due to the two-day minimum stay. In addition, the use of the front entrance, which is immediately adjacent to the neighbours access path, by a group of up to six adults, as well as cleaners after each visit, would increase the general level of movement and noise within at the street entry and potentially impact on the sense of security and safety for other residents given the

size of the group in the context and more confined residential nature of the one-up one-down flatted building.

In relation to external areas, it is recognised that the applicant has proposed to install a gate in the rear garden curtilage to screen off and act to sub-divide the respective private garden ground of the neighbouring property (alongside existing mature planting), whilst still allowing mutual access to the central communal drying green area by guests and neighbouring residents. The proposed gate and existing mature planting, however, would not create a suitable screen or divide between the two properties to alleviate adverse privacy impacts to the neighbouring property resulting from frequent transient persons utilising this space. The use of the rear garden ground by transient occupants, without suitable screening, would therefore create an adverse impact on neighbouring amenity and results in the upper neighbour not having any private amenity space which could not be encroached upon by unknown guests. This is due to the nature of neighbouring property facing directly towards the communal shared drying green area, which would typically not see unknown persons walking past, as well as a likely impact (actual or perceived) on security for the neighbouring property. Furthermore, given the above, any fence or screening would not alleviate the adverse amenity impacts from the proposed level of six occupants. Whilst it is recognised that the neighbouring resident(s) have not objected to the application, this assessment forms the amenity impact on the property as opposed to any individual existing resident and the proposal requires to be considered and assessed on its own merits. Furthermore, 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 affected by this adverse amenity impact.

It summary, the presence of up to six adults as transient guests to a flat would unacceptably intensify the use of the property over what would be expected from its use as a permanent residence, and increase the noise transmissions and movement in the building. This is worsened by the comings and goings from cleaners to the property after each visit, with a minimum stay of two nights. Guests could also access the shared areas of the rear garden ground without suitable screening to maintain privacy. The use of the property, including compromising communal garden ground, would thus cause harm to the amenity of the area and impact neighbours which is contrary to Policy 30(e)(i) of NPF4 and it would not 'avoid direct conflict with the adjacent land uses and amenity' which does not comply with Policy H2 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 is to be by tourists and/or business travellers, it is envisaged that customers of the property would be likely to spend money in the local tourism, hospitality and retail 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 in close proximity to the city centre boundary (c. 875m north) and the Rosemount Neighbourhood Centre (c. 80m north), and as such, is a reasonable 5-15 minute walk away from surrounding local businesses and amenities, both in the Rosemount Neighbourhood Centre and the wider city centre. The site is further (c. 2,000m) walking distance away from the from the main railway and bus station in Aberdeen, however, the site is also served by the No. 3 bus route from Rosemount Place (c. 80m north) leading to the city centre providing sustainable transport to main businesses and amenities, including the bus/train stations, with a 20 minute frequency of service. 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. Furthermore, 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 being approved, it would be necessary to grant planning permission 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 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 adverse 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 c. 875m outside the city centre boundary (as defined on the ALDP ‘Proposals Map’), however it would be within suitably close walking distance to amenities and businesses in the Rosemount Neighbourhood Centre, the wider city centre, as well as reasonably served by 20-minute frequency bus connections (No. 3 route) to 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.

Given the location of the application site and the nature of the proposal is for STL use, it is anticipated that any guest(s) would make accommodation choices to suit their individual needs and therefore the absence of any dedicated cycle storage is not considered to be an issue and the site has good accessibility and sustainable transport options. The use of the property as an STL would likely result in a similar level of parking demand as the existing residential use (and one parking permit is proposed for use by guests). Whilst there is a risk this could be higher with a proposed occupancy of six persons should all bring private vehicles, this is difficult to quantify. Guests to the property would be able to use the controlled on-street car parking, the parameters of such parking restrictions would reduce risk of indiscriminate parking resulting from the STL during the daytime hours, with most of the street restricted to residents permit between hours of 0800-1800 Monday-Saturday, and a 60m stretch on the eastern approach to Rosemount Place is also restricted to 3 hours maximum stay during these hours. The site would be situated in a location which has good accessibility to the city centre, and to both suitable and sustainable travel options. 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 5 (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 could be able to utilise existing domestic general waste and recycling wheeled bins for the property (situated in rear garden area), until such a time as commercial status is confirmed. 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 would be adequately stored and collected. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP. In these general circumstances, an advisory note is added for applicants to be aware of in relation to entering into the required business waste contract with the Council, however since the application is being refused this will not be added.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of 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 as such does not offer the opportunity for any biodiversity gain. The proposals are thus considered to be acceptable despite some minor tension with Policy 3 of NPF4.

DECISION

Refuse

REASON FOR DECISION

The comings and goings from the use of the flat by up to six transient occupants, alongside those from the cleaners after each visit would unacceptably intensify the use of the property over and above what would be expected from its use as a mainstream permanent residence. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property, to the detriment of their amenity in respect of privacy, noise transmission/

movement within the building, sense of security, and the 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).



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 100668768-001

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)

Proposal to use the apartment as Short Term Let accomodation with maximum occupancy of six people.

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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="27 Cairnaquheen Gardens"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Lappin"/>	Address 1 (Street): *	<input type="text" value="Cairnaquheen Gardens"/>
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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 5HJ"/>
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="26 BELVIDERE CRESCENT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB25 2NH"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="806427"/>	Easting	<input type="text" value="392758"/>
----------	-------------------------------------	---------	-------------------------------------

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)

Original submission used incorrect form. In correspondence with Sue Ingram who is assisting me with my application

Title:

Ms

Other title:

First Name:

Sue

Last Name:

Ingram

Correspondence Reference Number:

240366/CLP

Date (dd/mm/yyyy):

25/03/2024

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.

Site Area

Please state the site area:

120.00

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)

Most recent use has been 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?

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)

Waste bins, black bin, grey bin and brown bin are all located to either side of the front door.

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

Are you able to identify and give appropriate notice to ALL the other owners? *

Yes ≤ No

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mrs Thanatchaporn Lappin

Address:

27, Cairnaquheen Gardens, Aberdeen, United Kingdom, AB15 5HJ

Date of Service of Notice: *

17/04/2024

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed:

Mr Richard Lappin

On behalf of:

Date:

17/04/2024

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: Mr Richard Lappin

Declaration Date: 17/04/2024



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Mr Richard Lappin
26 Belvidere Crescent
Aberdeen
AB25 2NH

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	240366/DPP
Address of Development	26 Belvidere Crescent Aberdeen AB25 2NH
Description of Development	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people
Date of Decision	29 July 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

In agreement with the applicant, the following variations were made to the application under section 32A of the 1997 act –

- The proposal was revised by the applicant to indicate location of a gate in the rear garden ground.

REASON FOR DECISION

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

The comings and goings from the use of the flat by up to six transient occupants, alongside those from the cleaners after each visit would unacceptably intensify the use of the property over and above what would be expected from its use as a mainstream permanent residence. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property, to the detriment of their amenity in respect of privacy, noise transmission/movement within the building, sense of security, and the 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

STL Checklist
Rev B

Location Plan
Other Supporting Statement
Site Layout (Proposed Gate)
Ground Floor Plan (Proposed)

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 240366/DPP

Application Summary

Application Number: 240366/DPP

Address: 26 Belvidere Crescent Aberdeen AB25 2NH

Proposal: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people

Case Officer: Rebecca Kerr

Consultee Details

Name: 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 6 people. The site is located in the inner city, in controlled parking zone L.

The site has no parking, and none is proposed.

Both the existing and proposed uses have similar parking requirements and, due to being in a controlled parking zone, there is no scope for indiscriminate parking.

As such, there are no Roads concerns with this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Rebecca Kerr	To: ACC - Waste And Recycling
E-mail: rekerr@aberdeencity.gov.uk	Date Sent: 22 April 2024
Tel.: 01224 067925	Respond by: 13 May 2024
Application Type: Detailed Planning Permission	
Application Address: 26 Belvidere Crescent Aberdeen AB25 2NH	
Proposal Description: Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people	
Application Reference: 240366/DPP	
Consultation Reference: DC/ACC/SCCDWQBZ03600	

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.	Y
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 gully 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/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Responding Officer: J Talaga

Date: 22nd of April 2024

Email: wasteplanning@aberdeencity.gov.uk

Application 240366/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
- 7. Historic Assets and Places
- 12. Zero Waste
- 13. Sustainable transport
- 27. City, Town, Local and Commercial Centres
- 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
- D6 Historic Environment
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking
- VC2 Tourism and Culture

Aberdeen Planning Guidance (APG)

- [Short-term Lets](#)

Other Material Considerations- National Policy and Guidance

- [Historic Environment Policy for Scotland \(HEPS\)](#)

Scottish Government publications:

- Circular 1/2023: Short Term Lets and Planning [Planning circular 1/2023: short-term lets and planning - gov.scot \(www.gov.scot\)](#)
- Short Term Lets: Business and regulatory impact assessment – November 2021 [G. Wider economic context - Short-term lets: business and regulatory impact assessment - gov.scot \(www.gov.scot\)](#)

- 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](https://www.gov.scot/resources/documents/2019/10/20191001_people-communities-places-research-impact-short-term-lets-communities-scotland.pdf) (www.gov.scot)



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 100682839-001

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

Applicant or Agent Details

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

Applicant Agent

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="27 Cairnquheeh Gardens"/>
First Name: *	<input type="text" value="Richard"/>	Building Number:	<input type="text" value="27"/>
Last Name: *	<input type="text" value="Lappin"/>	Address 1 (Street): *	<input type="text" value="Cairnquheeh Gardens"/>
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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 5HJ"/>
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:

26 BELVIDERE CRESCENT

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB25 2NH

Please identify/describe the location of the site or sites

Northing

806427

Easting

392758

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 Reference Number 240366/DPP Address of Development 26 Belvidere Crescent Aberdeen AB25 2NH Description of Development Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people Date of Decision 29 July 2024

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.

We believe that 26 Belvidere Crescent has been and still is a sustainable low impact business. Over the last 8years the average annual occupancy has been 40%, the average number of guests per stay has been 4.4 and the average length of stay has been 3.8days. The apartment is more often empty than not and the average turnover is every 9days. We genuinely do not believe that this is creating harm to the amenity of the neighbouring residential area. We will agree to 4person max and boundary fence

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)

We are fully committed to keeping the business as low impact as we can and will agree to the changes as recommended by the planning department with respect to maximum occupancy and installing fencing in the shared garden. Changes to original application A Agree to Maximum of 4people B Agree to installation of Boundary Fence

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)

26 Belvidere Site Plan revC Belvidere Review Summary

Application Details

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

240366/DPP

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

17/04/2024

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

29/07/2024

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: Mr Richard Lappin

Declaration Date: 26/08/2024

REASON FOR DECISION

The comings and goings from the use of the flat by up to six transient occupants, alongside those from the cleaners after each visit would unacceptably intensify the use of the property over and above what would be expected from its use as a mainstream permanent residence. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property, to the detriment of their amenity in respect of privacy, noise transmission/ Application Reference: 240366/DPP Page 10 of 10 movement within the building, sense of security, and the 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).

We believe that 26 Belvidere Crescent has been and still is a sustainable low impact business. Over the last 8 years the average annual occupancy has been 40%, the average number of guests per stay has been 4.4 and the average length of stay has been 3.8 days.

The apartment is more often empty than not, and the average turnover is every 9 days. We genuinely do not believe that this is creating harm to the amenity of the neighbouring residential area.

Guests have primarily been families staying for local events, weddings, birthdays, graduations etc, note events all held external to the apartment. We also have quiet a few American tourists here for golf, curling or visiting the area. For most the apartment's location in the wonderful Rosemount area is the primary driver with easy access to the centre of town as well as walking access to the nearby parks, playground, independent restaurants and shops.

We are fully committed to keeping the business as low impact as we can and will agree to the changes as recommended by the planning department with respect to maximum occupancy and installing fencing in the shared garden.

Changes to original application

A Maximum of 4 people

We will agree to the maximum occupancy of 4 people as per previous advisement detailed below;

- Children under 1 year old are not counted when determining occupancy levels. Children over the age of 1 and under 10 years old count as a half, however there must be sufficient beds to accommodate all guests including these children.
- Children aged 10 or over count as adults for the purpose of determining occupancy levels.

B Installation of Boundary Fence

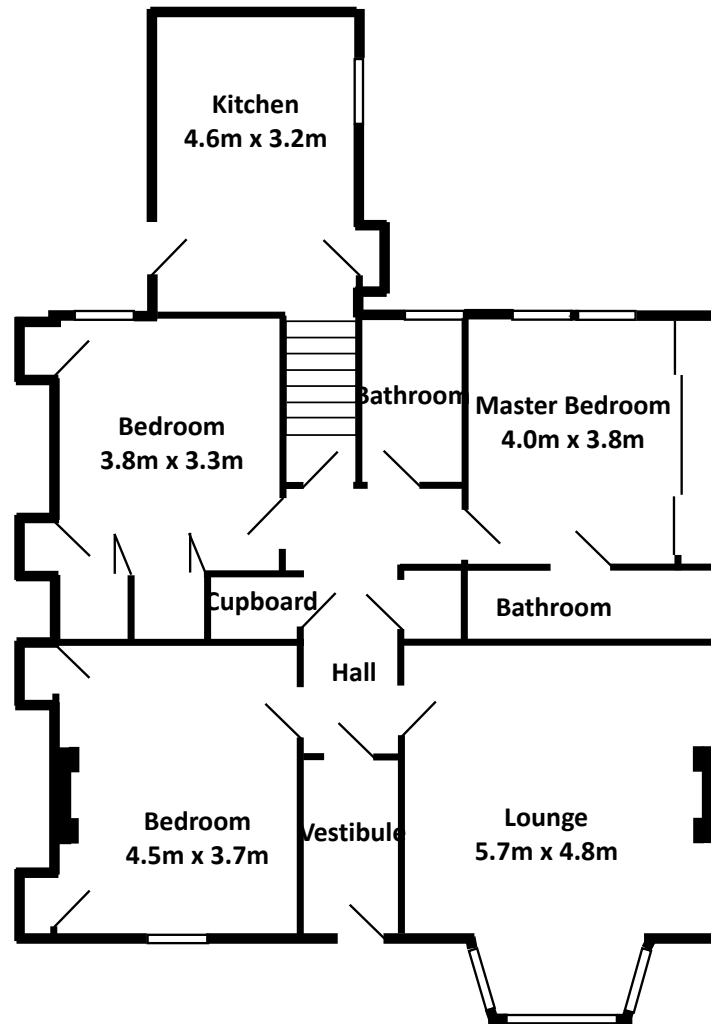
We will agree to installation of the boundary fence as per updated site plan.

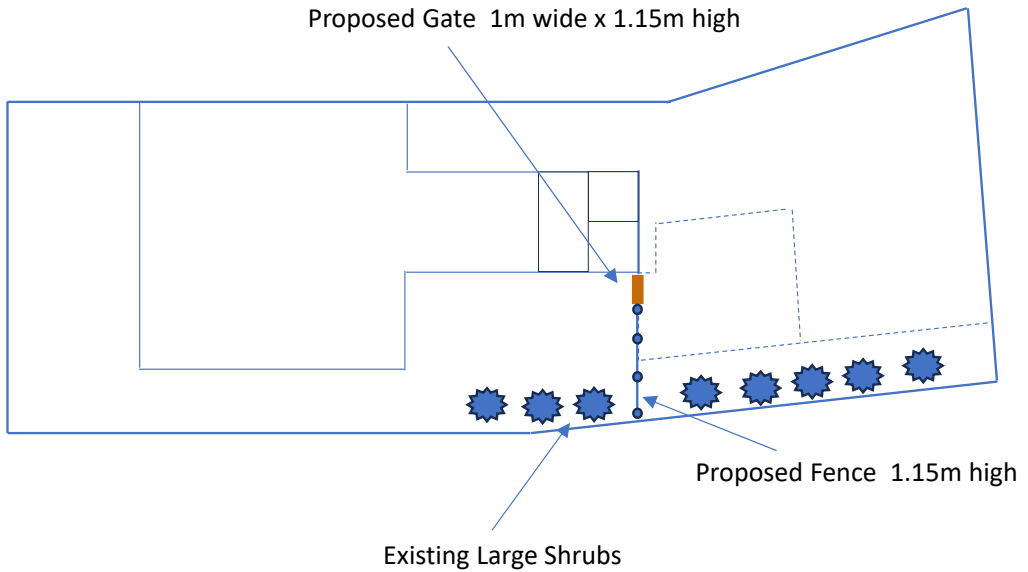
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26 Belvidere Crescent Floor Plan

Survey Scale 1:100

Scale 4m





 <p>ABERDEEN CITY COUNCIL</p>	<h2 style="margin: 0;">Strategic Place Planning</h2> <hr/> <p style="margin: 0;">Report of Handling by Development Management Manager</p>
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Site Address:	568 Holburn Street, Aberdeen, AB10 7LJ
Application Description:	Change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people
Application Ref:	240503/DPP
Application Type:	Detailed Planning Permission
Application Date:	2 May 2024
Applicant:	Ms Karen McKee
Ward:	Airyhall/Broomhill/Garthdee
Community Council:	Ferryhill And Ruthrieston

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site comprises a flat used as a House in Multiple Occupation (HMO) in the first and second floors of a granite-built 2½ storey residential building containing two residential flats. The property has six bedrooms, two bathrooms, a lounge/dining room, a kitchen and a roof terrace.

The building fronts Holburn Street to the southeast and the property has its own entrance door which fronts the road. There is a garden to the rear. The application supporting information indicates that this garden belongs to the downstairs neighbour, albeit there is direct access from the property to this garden and it is used for the storage of bins for the application property.

Relevant Planning History

Planning permission (P160438) was granted for the change of use of the property to a six-bed House in Multiple Occupation (HMO) in 2016.

APPLICATION DESCRIPTION

Description of Proposal

Detailed Planning Permission is sought for the change of use of the property from a House in Multiple Occupation to short term let accommodation with a maximum occupancy of six people at any given time. The application states that guests would stay for a minimum of one week and a maximum of three weeks and that it would be let to single groups at a time. The property would be cleaned after each stay or upon request during stays and waste would be collected by staff on a weekly basis.

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=SCEF0TBZMIP00>

- Short Term Let Planning Checklist
- List of Previous Airbnb Stays

CONSULTATIONS

ACC - Roads Development Management Team – No objection – The site is not in a Controlled Parking Zone. There are no parking spaces associated with the site and this would remain unchanged. There are existing parking restrictions nearby to prevent obstructive/inappropriate parking. Holburn Street is very accessible by public transport and there is a good standard of footways fronting the site.

ACC - Waste and Recycling – No objection – The development is classified as commercial and would therefore receive a business waste collection. Current bins should be used until the commercial status has been confirmed. General advice regarding commercial waste requirements has been provided.

Ferryhill and Ruthrieston 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

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- Short-term Lets
- Transport and Accessibility

EVALUATION

Key Considerations

The determining material consideration in the assessment of this planning application is whether the change of use of the property to short term let (STL) accommodation would result in unacceptable harm to the amenity of the area – particularly the neighbouring residential dwellings. This matter and all other material considerations are assessed in the context of the relevant policies of the Development Plan.

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 Character and Amenity of the Area

The application site is zoned as a residential area on the ALDP, where Policy H1 (Residential Areas) applies. The properties which bound 568 Holburn Street are in residential use. Policy H1 states that within such 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.

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 and noise. Policy D2 (Amenity) of the ALDP seeks residential developments to ensure occupiers are afforded adequate levels of privacy.

The change of use from an HMO to STL accommodation could result in increased harm to the amenity of the neighbouring properties beyond that which would typically be expected from a property in mainstream residential use if the impact from the following issues would be significant:

- The potential for noise from customer activities within the property and any external areas, particularly the roof terrace in the quiet and 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 the property by transient persons unknown to the permanent residents of the adjacent residential properties, particularly from overlooking from the use of the roof terrace into the rear gardens of the adjacent dwellings.

In this case, 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 adjacent residential properties from the use of the property through the walls and first floor and from the external roof terrace, as well as the actual or perceived impact on safety and security from their use of the spaces.

The position of the external roof terrace, which directly overlooks the rear garden of the ground floor flat and the gardens of residential properties to the north and west. This is to the extent that the use of this space by up to six transient persons staying on a short-term basis (as opposed to the long-term residents of an HMO) would be particularly overbearing for the residents of the neighbouring properties, to the detriment of their the actual or perceived safety and security. The activity from six occupants would be highly likely to generate significant levels of noise transference to the surrounding residential dwellings from within the property and the external terrace.

Given the number of occupants, it is possible that the property could 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 both within the building and in the rear curtilage, which could be during the more sensitive late night and early morning periods beyond its existing use as an HMO. Whilst it is acknowledged that this may occur at times as an HMO, it is anticipated that long-term residents living next to their neighbours are more likely to be conscious of noise and disturbance to their neighbours than short term let occupants, with the occupants having to live next to their neighbours and experience the greater risk of repercussions and complaint from such disturbance. Whilst it is acknowledged that the owner of a short term let can have the best interests in mind to manage a short term let in a manner that minimises noise, they would have limited control over the transient persons during their occupation of the property and any repercussion for the transient persons. A complaint to a booking website or the risk of a ‘low rating’ in terms of Airbnb.com would only occur after the disturbance has taken place.

The change of use to short term let accommodation would have an adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security. It has been considered whether these matters could be

addressed had the occupancy been lower than six. Given the size of the property and number of bedrooms however, it is unlikely that a lesser number would be suitable. Furthermore, there would be an adverse impact from noise and actual or perceived impact on safety and security afforded to the neighbouring residents, particularly from the use of the roof terrace, irrespective of the number of occupants.

In its context, the proposal would not be complementary to residential use as the use would cause conflict with, or nuisance to, the enjoyment of existing residential amenity.

In terms of the impact on the general character of the area, whilst residential, it is acknowledged that Holburn Street has a high pedestrian and vehicular footfall. This short term let would slightly increase the comings and goings in the area relative to its use as a mainstream residential HMO, although in this context it would be unlikely to affect the character of the area by any significant degree.

The change of use to short term let accommodation with a maximum occupancy of six people would, however, have an adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security and thus would have a direct conflict with the adjacent land uses, in conflict with Policy 30(e)(i) of NPF4 and Policies H2, D1 and D2 of the ALDP.

Provision of Short Term Let Tourist Accommodation and Local Economic Benefits

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, even more so in that it would be used as an STL some of the time, given the likely use of the property by tourists and/or business travellers, it is envisaged that customers of the property would likely spend money locally, to the benefit of the hospitality and tourism sectors. 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.'

Whilst the proposal does not comply with Policy 30 (Tourism) of NPF4 because it would have an unacceptable impact on amenity and is to be refused on this basis, the loss of residential accommodation is a material consideration with respect to sub-section (e) ii. of this policy. 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 when it is in use as an STL would not have any significant impact on local housing need. 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 STL accommodation, 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).'

If the change of use were to have been granted, it would have resulted in the loss of residential accommodation in a residential area on a permanent basis. As such, had the decision been to grant planning permission it would have been considered necessary in this instance to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments. This would have been:

- To comply with the requirements of Policy 30(e) ii. of NPF4 and the Short-term Lets Aberdeen Planning Guidance;
- To ensure that local housing need, demand and supply could have been considered for any future applications for the continued use of the property as STL accommodation;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent was 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.

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.'

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. In assessing

the magnitude of this tension, it is acknowledged that the site is approximately 140m from a bus stop with a route to the city centre. Whilst approximately 1.4km from the City Centre boundary, the route is particularly easy to navigate as it is solely along Holburn Street. On balance, the proposed STL use is compliant 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.

Whilst it does comply with this requirement of Policy VC2, the development conflicts with Policy 30 (Tourism) of NPF4 and Policies H2, D1 and D2 of the ALDP. This is because the change of use would have an adverse impact on the amenity afforded to the neighbouring residential occupants in the area.

Transport and Accessibility

Policies 13 (Sustainable Transport) on NPF4 and 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. In terms of parking, there are no Parking Standards set out in the Transport and Accessibility specifically for Short Term Lets. There are no off-street car parking spaces serving the property although occupants would be able to park on the street as the site is not within a controlled parking zone. Whilst the proposal is being refused because of the adverse impact on amenity, the site is accessible using sustainable and active travel methods. The nearest bus stop is on the other side of Holburn Street approximately 40m away, and is thus less than 400m away, in accordance with Policy T2 of the ALDP. The site is accessible to local amenities and walking distance to the Bridge of Dee.

The proposal would not adversely affect road safety and would be accessible using sustainable and active travel methods, in accordance with Policies 13 of NPF4, as well as T2 and T3 of the ALDP. The Roads Development Management Team have been consulted and do not object to the application.

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. There is an existing waste storage space to the rear of the property. The Waste and Recycling Team have not objected to the application and have stated that the existing bins should be used. As such, the proposal complies with Policies 12 of NPF4 and 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 and of a nature such that it does not have any material impact on the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities that can be

identified to minimise greenhouse gas emissions given the nature of the proposals. 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 would not offer the opportunity for meaningful biodiversity enhancements. The tension with Policy 3 of NPF4 is thus not to a degree whereby it is a reason to refuse this application.

DECISION

Refuse

REASON FOR DECISION

The change of use of this House in Multiple Occupation to short term let accommodation with a maximum occupancy of six people would have an adverse impact on the amenity afforded to the neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security. The proposal conflicts with Policies 14 (Design, Quality and Place) and 30 (Tourism) of National Planning Framework 4, as well as H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. There are no material considerations that would justify approval.



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 100669322-001

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)

To change the existing 6 bed HMO to a 6 bed short term let. There is no change to the property required and so no building warrant is required.

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="Ms"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text" value="16"/>
First Name: *	<input type="text" value="Karen"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="McKee"/>	Address 1 (Street): *	<input type="text" value="Manor Place"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH3 7DS"/>
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="568 HOLBURN 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="AB10 7LJ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="804114"/>	Easting	<input type="text" value="392896"/>
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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:

200.00

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)

This is currently a double upper flat with 6 bedrooms and has planning permission for a 6 bedroom HMO.

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)

The wheelie bins for both waste and recycling are stored outside the back garden door. The contents are removed weekly by my staff and will continue to do so.

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

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

Certificate Required

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

Certificate B

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Address:

Date of Service of Notice: *

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Ms Karen McKee

On behalf of:

Date: 23/04/2024

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Yes No Not applicable to this application

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

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

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

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

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

There is dedicated bike storage at the flat for up to 6 bikes located in the private cellar and wash house in the rear garden.

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: Ms Karen McKee

Declaration Date: 23/04/2024



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Ms Karen McKee
16 Manor Place
Edinburgh
EH3 7DS

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	240503/DPP
Address of Development	568 Holburn Street Aberdeen AB10 7LJ
Description of Development	Change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people
Date of Decision	12 July 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The change of use of this House in Multiple Occupation to short term let accommodation with a maximum occupancy of six people would have an adverse impact on the amenity afforded to the

neighbouring residential occupants in the area in terms of noise and their actual or perceived impact on safety and security. The proposal conflicts with Policies 14 (Design, Quality and Place) and 30 (Tourism) of National Planning Framework 4, as well as H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023. There are no material considerations that would justify approval.



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

240503/3	Location Plan
240503/1	First Floor Plan (Proposed)
240503/2	Second Floor Plan (Proposed)
	Short Term Let Checklist

Signed on behalf of the planning authority

A handwritten signature in black ink 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.

Consultee Comments for Planning Application 240503/DPP

Application Summary

Application Number: 240503/DPP

Address: 568 Holburn Street Aberdeen AB10 7LJ

Proposal: Change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people|cr|

Case Officer: Roy Brown

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note that this proposal is for a change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people at 568 Holburn Street Aberdeen AB10 7LJ.

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

I note there is 0 parking associated with the site and 0 is proposed. Therefore, the existing shortfall remains the same. There are existing parking restrictions nearby to prevent obstructive/inappropriate parking. Holburn Street is very accessible by public transport and there a good standard footways fronting the site.

Roads have no objections to this proposal.

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Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Roy Brown	To: ACC - Waste And Recycling
E-mail: roybrown@aberdeencity.gov.uk	Date Sent: 7 May 2024
Tel.: 01224 069005	Respond by: 28 May 2024
Application Type: Detailed Planning Permission	
Application Address: 568 Holburn Street Aberdeen AB10 7LJ	
Proposal Description: Change of use of house in multiple occupation (HMO) to short term let accommodation with maximum occupancy of 6 people	
Application Reference: 240503/DPP	
Consultation Reference: DC/ACC/SD42IUBZ01C04	

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.	Y
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/ADEP TMakingspaceforwaste_000.pdf and additional Trade Waste information can be found in the Waste Supplementary Guidance available at:

[Requirements for New Developments](#)

Responding Officer: J Talaga

Date: 7th of May 2024

Email: wasteplanning@aberdeencity.gov.uk

Application 240503/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
- 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>

- D1 Quality Placemaking
- D2 Amenity
- H1 Residential Areas
- R5 Waste Management Requirements for New Development
- VC2 Tourism and Culture
- T2 Sustainable Transport
- T3 Parking

Aberdeen Planning Guidance

- [Short-term Lets](#)
- [Transport and Accessibility](#)

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 100680508-001

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:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Karen	Building Number:	1
Last Name: *	McKee	Address 1 (Street): *	16 Manor Place
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH3 7DS
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

568 HOLBURN STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB10 7LJ

Please identify/describe the location of the site or sites

Northing

804114

Easting

392896

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)

The proposal, which was refused, was to change the flat from a 6 bed HMO to a 6 bed short term let.

Type of Application

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

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

What does your review relate to? *

Refusal Notice.

Grant of permission with Conditions imposed.

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

Statement of reasons for seeking review

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

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

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

The flat has a 20 year history of being let out as a short term let ((I submitted a history of airbnb bookings to R Brown). It has also lately been rented out as HMO student accommodation. In all of these years, there has never been a complaint from neighbours or any one else. The previous owner obtained planning permission for the sundeck in question and so i think its unfair to deny permission because it may be used by guests. Its constantly used by the student tenants without issue.

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)

I have no supporting documentation since there have been no complaints or problems

Application Details

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

240503/DPP

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

23/04/2024

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

12/07/2024

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

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

The sundeck can be viewed at any time.

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: Ms Karen McKee

Declaration Date: 03/08/2024

What is the property address and floor level?	568 HOLBURN STREET, ABERDEEN, AB10 7LS FLOORS 1 & 2
What is the maximum number of occupants that would be allowed to stay in the property?	6 PEOPLE
How many bedrooms and beds would there be?	6 BEDROOMS 6 BEDS
What are the minimum and maximum durations of stays for customers?	MINIMUM 1 WEEK MAXIMUM 3 WEEKS
Would there be any car parking available for customers?	NO
If yes, how many spaces and what type? (i.e. dedicated off-street space, on-street etc)	THERE IS FREE UNRESTRICTED PARKING IN HOLBURN STREET & SURROUNDING STREETS
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?	YES - PERMANENT
If not permanent, please provide further details	
Would the property be let out to one group, as one booking, or would individual rooms be available to let separately?	YES - 1 GROUP
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?	BOTH BY LOCKBOX OR BY 'MEET + GREET'
Please advise what the arrangements would be, including frequency, for cleaning the property and how would waste be disposed of?	CLEANING WILL BE MOSTLY AT THE END OF EACH STAY OR ON REQUEST DURING EACH STAY - WASTE IS COLLECTED WEEKLY BY MY STAFF
Does the property share a communal access with any other properties and if so, how many?	NO
Does the property have access to any communal amenities, including garden ground or roof terraces?	NO. THE REAR GARDEN BELONGS TO THE DOWNSTAIRS NEIGHBOUR. THERE IS ONLY ACCESS TO THE WHEELIEBINS AT REAR
If so, provide details	
If known, how many other properties in the building are currently in use as Short Term Let accommodation?	NONE
If the application seeks permission retrospectively, how long has the property been in use as Short Term	

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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:	8 Woodburn Gardens, Aberdeen, AB15 8JA
Application Description:	Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works
Application Ref:	231043/DPP
Application Type:	Detailed Planning Permission
Application Date:	25 August 2023
Applicant:	Mr Brian Sinclair
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Craigiebuckler and Seafield
Case Officer:	Aoife Murphy

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site, which extends to 809m², is located within an established residential area and accommodates a one-and-a-half-storey detached dwelling with an attached garage of granite construction, along with its front, side and rear curtilage. The footprint of the existing dwelling and garage extends to 102m² with other areas of development, i.e. hardstanding and external stairs extending to 177m², the remainder of the site is garden ground.

The site sits to the north of Woodburn Gardens, characterised by granite faced dwellings with hipped and pitched roofs, chimney stacks and large rear gardens. The site itself is split level with the dwelling sitting at what is effectively road level and the rear curtilage sitting between 1.6m and 3m higher than the dwelling, increasing in height as you move towards the north east. Access to the rear garden is via an existing set of steps. To the south of Woodburn Gardens lies an area of open space and Walker Dam, designated as Green Space Network and a Local Nature Conservation Site (Walker Dam and Rubislaw Link) and to the south east and north west sits 6 and 10 Woodburn Gardens, respectively.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Permission is sought for the erection of a one-and-a-half storey, 5 bedroomed, detached, 'T' shaped dwelling with an integral garage, which would see the existing dwelling and garage demolished. The proposed dwelling would measure 7.7m in height to the ridge, 3.1m to the eaves

and 13.7m in width. In terms of its length the main part of the dwelling would be 11.7m, however the rear projecting wing, which would sit perpendicular to the dwelling, would be a further 8.4m in length, resulting in a total length of 20m. The height of the rear wing would sit slightly below that of the main part of the dwelling at 7.5m, but the eaves would sit higher with a difference of 1.3m between the two. With respect to the mutual boundaries, the main dwelling would sit between 0.6m and 1.5m off the north west boundary, this distance increasing as you move into the site. The south east corner of the dwelling would sit on the respective boundary, with the distance increasing to 2m as you move into the site. The rear wing, owing to its siting, would sit 2.5m and 5.6m from the north west and south east boundaries respectively. Given the level of development proposed, outwith the existing dwelling's footprint, there would be a requirement for extensive excavation of part of the rear curtilage.

The ground floor would accommodate a vestibule, three bedrooms (one of which could also be utilised as an office/study), a bathroom and plant/server room, while the rear projecting element would provide a three car garage. The first floor would accommodate two further bedrooms, one of which would be the master with en-suite and walk in wardrobe, a living room and guest WC, while the rear projecting element would accommodate a larder, formal dining room/TV room, kitchen/living area and a dog room. The dwelling has been designed so that the living accommodation has access directly into the rear garden ground with an area of decking leading directly from the kitchen/living room. As well as an internal stair case, access between the ground and first floor would also be provided via a proposed lift. Access to the garage to the rear would be via a pend leading to an area of hardstanding, which sits below part of the first floor accommodation. Two sets of external steps are also proposed which would allow access between the new lowered ground level to the remainder of the rear garden.

In terms of site coverage, the proposed dwelling extends to 200m², this includes the covered pend area as it forms part of the development. The other areas of development proposed, which includes all areas of hardstanding, decking, steps and paths extends to 241m², with the whole developed area extending to 441m² of the 809m² site.

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=RZVVGNBZMPF00>

- Bat Survey (Initial and Updated)
- Design Statement
- Planning Statement
- Response to Planning Service comments
- Sun Path Drawings

CONSULTATIONS

ACC - Roads Development Management Team – has no objection to the proposal.

ACC - Waste and Recycling – has no objection to the proposal.

Craigiebuckler and Seafeld Community Council – no comments received.

REPRESENTATIONS

Two representations have been received, one noted as an objection and the other a neutral comment. However, the neutral comments raises concerns over the development and such are being considered as an objection. The matters raised in these objections can be summarised as follows –

- Large increase to the footprint result in potential over development.
- Landscaping plan is ambiguous – trees within 3m of the boundary should be retained or replaced if damaged.
- Over development of the site.
- Impact on amenity of neighbouring properties.

Non-material matters –

- Excavation of the site is required, potential impact on boundary walls
- Existing tree too big for garden

MATERIAL CONSIDERATIONS

Legislative Requirements

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

Development Plan

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaption)
- Policy 3 (Biodiversity)
- Policy 4 (Natural Places)
- Policy 6 (Forestry, Woodland and Trees)
- Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 20 (Blue and Green Infrastructure)

Aberdeen Local Development Plan 2023

- Policy NE2 (Green and Blue Infrastructure)
- Policy NE3 (Our Natural Heritage)
- Policy NE5 (Trees and Woodland)
- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy D5 (Landscape Design)
- Policy D7 (Our Granite Heritage)
- Policy R5 (Waste Management Requirements from New Developments)
- Policy R6 (Low and Zero Carbon Buildings and Water Efficiency)
- Policy H1 (Residential Areas)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

Aberdeen Planning Guidance

- The Sub-division and Redevelopment of Residential Curtilages
- Amenity & Space Standards
- Materials: External Building Materials and their Use in Aberdeen
- Landscape
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Trees and Woodland
- Waste Management Requirements for New Developments
- Resources for New Development

EVALUATION

Principle of development

The site is located within a residential area, as such Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is relevant. However, while the site is within a residentially zoned area, other policies, in addition to Policy H1, will be used to assess the principle of development, these will be considered in the subsequent paragraphs.

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

With respect to the demolition of the existing dwelling for this replacement, section d) of Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of National Planning Framework 4 (NPF4) advises that as there is a need to conserve embodied energy, demolition will be regarded as the least preferred option. While this matter will be discussed further in the evaluation, it is important in the first instance to setting out whether the principle of replacing the existing dwelling can be supported. As discussed below, no evidence has been submitted as part of this application to show that demolition and replacement is the only option and no justification provided as to why the existing dwelling cannot be upgraded to meet current energy efficiency standards. Therefore, with regard to Policy 9 of NPF4, the proposal fails to comply.

Over development, design and potential impact on character

Over development, design and character all relate to each other and as such will be considered together. To support Policy H1, the Sub-division and Redevelopment of Residential Curtilages Aberdeen Planning Guidance (APG) requires to be considered, as well as Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. Both Policy D1 and Policy 14 require high standards of design and development which contributes to successful places, consistent with the six qualities.

Turning first to the APG on the Sub-division and Redevelopment of Residential Curtilages, this document requires an appropriate density for any development site, with a general guide being that no more than a third (33%) of the total site area for each individual curtilage should be built upon. The Planning Statement at section 4.5 advises that *'the Council go onto accept that the footprint may be considered acceptable if a sufficient amount of garden ground is retained, with no more than 33% of the garden built upon. It can be confirmed that only 20.5% of the total site is built upon, therefore it is assumed that the footprint is acceptable in principle subject to issues of overlooking, overshadowing and loss of light [...]'*. However, what must be made clear here is that

this part of the guidance relates to all development not just the footprint of the proposed dwelling, a matter which will be considered in detail below.

Furthermore, despite a figure being stated, what is considered to be a more fundamental factor is the density and layout of the surrounding area, which should be reflected in any development proposal so that there is no impact on the established pattern and/or level of development.

If we first look at the site itself, which measures 809m², the existing dwelling and all area of hardstanding corresponds to 177m², which represents a developed area of approximately 22%. Turning to the proposal, the proposed dwelling, including the covered pend area as it forms part of the development and all other areas of development (hardstanding, decking, steps and paths) extends to 441m², representing a level of development equal to 55%, which means that if this application was approved, over half the site would be developed, a figure which well exceeds the 33% set out in the APG and noted above. However, if we solely look at the footprints of the existing (102m²) and proposed dwellings (200m² including the covered pend area), the existing level of development equates to 13% and the proposed represents an increase to 25%, approximately double that of what currently exists, showing that this dwelling is substantially oversized when compared to the existing.

Turning to the surrounding context, it is appreciated that this site, as well as 10 Woodburn Gardens, sit on a bend, resulting in a larger curtilage when compared to the other properties along this stretch of public road. However, while there is a larger rear garden, that does not necessarily mean that there should be substantially more development on this site. It should also be noted that while the site is large, this mainly relates to its length rather than width and in fact owing to the sites location on the bend in the road means that the frontage onto the street is actually narrower than many of the others to the west. If comparing this proposed development to the existing properties along Woodburn Gardens and having carried out desk based assessment of the level of development along the public road, the average works out to be approximately 26%, therefore while the footprint of this dwelling is similar to the average, this is only achievable because of the large extent of the site and fundamentally that is where the similarities end. However, it would an error to just use this figure as a measure of over development and site capacity, as other factors need to be considered, in particular the form, scale and massing of the proposed dwelling relative to its neighbours and the prevailing character and rhythm of development on the street, including the spacing between buildings. This proposed dwelling is substantially larger than any other dwelling along Woodburn Gardens and no dwelling along this street being extended or altered in such a way as is suggested here. The average length of the dwellings (2-30 Woodburn Gardens) along this street sits at 12.3m (based on information from the Council's mapping system), with the longest dwelling 6 Woodburn Gardens sitting at approximately 14.5m, while the proposed dwelling would have an overall length of 20m, nearly twice the average and more than 5m longer than No.6. Furthermore, as stated above, it is important to note that over development cannot just be considered against the typical level of development which has been highlighted above.

While the properties along Woodburn Gardens are not identical in there design, a matter not disputed by the Planning Service, there is a high degree of consistency with respect to its character, especially with No's 6-30, in that they are modest size dwellings, one and a half storey's in height, of a similar scale and massing and a comparable architectural form. All, except for the application site, have hipped roofs with modest dormers on the front elevations. It is accepted that a couple of properties have been extended to the side above the existing garages, specifically No's 12 and 28. With respect to the extension at No. 12, the property still retains its hipped roof profile and with regards to No. 28, this extension is set back from the principle elevation so that the original hipped roof form of the dwelling is still evident. Therefore, both extensions are deemed to be small scale and do alter the character of the street to a significant degree, unlike what is proposed. Furthermore, as can be seen by the images in the supporting Planning Statement, and as previously noted, there is an established architectural form, which the proposed development

does not respect. This is not a subjective appraisal as highlighted in the Planning Statement, but an objective assessment based on a several visits to Woodburn Gardens and an analysis of information submitted with the application and of other sources of information, including GIS maps and aerial images. Generally the dwellings are uniformly spaced and equally separated by driveways and small, lean-to, single-storey garages, with only a few dwellings having been extended to the side. As a way of demonstrating this, calculation of the separation distances between the existing properties has been undertaken and if excluding the attached garages the properties sit approximately 3-5m from each other. Furthermore, with respect to the widths of these properties, these measure between 10m and 12m. Further to the west of this grouping of dwellings are the properties numbered 32 to 40 Woodburn Gardens, which have different design characteristics. However, given the location of these properties which sit approximately 160m to the west, it is more prudent and appropriate to assess the proposal against the prevalent and immediate character of Woodburn Gardens, which is more accurately reflected in Nos. 6-30.

In terms of siting, it is noted that the site, along with 6 and 10 Woodburn Gardens, sit on the bend in the road, thus these three properties do not have an established building line, unlike the remainder of the street. However, from carrying out a site visit, it is clear that these dwellings sit comfortably with each other with an established and comfortable relationship between them and the remainder of the street, while still respecting the curve in the road. When looking at the siting of the proposed development, although it sits 1m further into the site than the existing dwelling, owing to its width, which is effectively the full width of the plot, it would create a very uncomfortable relationship with both neighbouring properties, especially No. 6 given the south east corner of the dwelling would effectively sit on the boundary and would result in quite an overbearing impact on that property due to this new positioning. Based on this part of the assessment, the proposal does not represent a development that respects the existing built form and creates a jarring contrast with the existing development and street scene which cannot be accepted. Furthermore, the APG states that the distance between proposed and existing dwellings should be similar to that predominating on the street, which as explained above, is not the case here.

Moving to the design, several concerns have been highlighted to the applicant both at pre-application stage and during the application process, however no changes have been made to address these concerns. There are several issues with the principal elevation, this is due to the addition of a pend on the south eastern part of the dwelling and the relatively large dormers. A pend is not an architectural feature that can be seen anywhere along Woodburn Gardens. While the agent has tried to justify this by identifying a property to the north east along Springfield Road at No. 207, there is no pend here, but a first floor extension that projects forward of the garage, owing to the property's design. This property is not relevant to this proposal and beyond this there are no examples of any developments that include a pend anywhere in close proximity to the site, further evidencing that this is not an architectural feature of this area of Aberdeen. With respect to the dormers on the front elevation, these overwhelm the dwelling owing to their unnecessary and excessive projection of 4.3m from the roof plane. This is a dormer design that cannot be seen in the surrounding area. Their overall height and the inclusion of the large overhanging roofs are design features not replicated anywhere else on the street. The size of the dormers overwhelm not only the roof plane, but the house as a whole, which is not appropriate. Furthermore, they would also sit uncomfortably within and disrupt the established and uniformed streetscene. Within the pre-application response given on this development in June 2021, the applicant was made aware of these concerns and was advised to reduce the ridge and projection of the dormers, but again this advice was not taken on board and no alteration has been made, with the only justification being that this design was to reduce solar gain. However, other design/mitigation configurations could have been utilised, such as the reduction in the level of glazing proposed within these dormers and for the dormers themselves to more accurately mirror the form and scale of the neighbouring properties, but these options were not explored by the applicant and no alternatives were put forward.

In seeking to justify this proposal, the applicant has mentioned a property at the corner of Springfield Road and Springfield Avenue, close to the junction with Woodburn Gardens. This property was granted permission in 2012 and constructed in 2014. However, this property is a wholly different context and does not reflect the application site in any way and thus is of no relevance to the consideration of this application.

In addition to the above and in respect to evidencing the potential impact on visual amenity, a street elevation was requested to show the proposed dwelling, along with the dwellings at 8 and 10 Woodburn Gardens. However, this has not been submitted, but instead a photomontage of the street including the proposed dwelling was provided. While useful, the images do not allow a full and precise assessment of heights of neighbouring dwellings and the distances between them to be assessed and while an assessment based on these images been undertaken, it is difficult to establish if they are accurate in terms of the proposed dwelling's positioning on site and in relation to the neighbouring properties. However, what these images do demonstrate is the impact this dwelling would have on the street scene and how uncomfortably it would sit within the surrounding context. This awkward juxtaposition, is due to its design which is not typical for the character of this street, as well as the oversized nature of the dwelling and the fact that it would effectively encompass the entire width of the feu, while also extending well into the site, to a much greater extent than any other property in the area.

With regards to the height of the existing dwelling, it sits at 6.99m from ground level to the ridge, so when doing a comparison between the existing and proposed, there would be a difference of approximately 700mm with the new dwelling sitting at 7.7m. As such, there would be a visible difference between the two when viewing the dwelling from the surrounding area. The APG further states that the ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings. While no street elevations have been submitted, information submitted in respect to a planning application lodged for 10 Woodburn Gardens has been utilised to make an assessment. This information demonstrates that the height of this property is 7.35m to the ridge and 3.1m to the eaves. While the eaves of the proposed house would match that property, the proposed ridge height would be higher at 7.7m, a difference of around 350mm. While this could be considered minimal overall, given the difference between the existing dwellings and the proposed, along with the different roof forms of these dwellings means that the height would conflict with this point of the APG.

Turning to the rear wing of the dwelling, this sits uncomfortably against the main part of the dwelling, with the eaves height sitting 1.3m higher, as such there would be a significant conflict between the two which does not reflect an appropriate design approach. Additionally, due to the choice of two different materials, the impact of the height difference does appear increased. While several requests were made to reduce the eaves to sit at most 650mm from the eaves of the main dwelling, which would make the rear wing appear more streamlined, this was not taken forward by the applicants, with the only justification being that it contradicts their design plan, which is not a material consideration for the assessment of this application. Ultimately, addressing this matter would not significantly compromise the useable space the applicants are trying to achieve, within what is a substantial dwelling.

As highlight, extensive excavation is proposed on this site, therefore retaining walls will be required along part of the south east and north west boundary, however no heights or indeed finalised design of these walls have been provided, as such an assessment of these aspects cannot be undertaken, nor has it been demonstrated that these works would not impact on the amenity of the neighbouring residents.

The following concerns were raised through submitted representations and these have been considered within the evaluation above.

- Large increase to the footprint result in potential over development.
- Over development of the site.

Based on the above assessment, the proposed dwelling would create an inappropriate and uncomfortable contrast and result in a detrimental relationship between it and the existing dwellings and street scape seen along Woodburn Gardens, which is not appropriate or supported by the relevant policies of the ALDP and NPF4, including Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy 14 (Design, Quality and Place) of NPF4, or indeed that of the Sub-division and Redevelopment of Residential Curtilages APG.

Contrary to the claim made in the applicant's Planning Statement that the advice provided previously was subjective, the assessment of the proposal then and now has been based on an objective analysis and appraisal of the scale, design and siting of the proposal, the site's characteristics and context, its relationship with the neighbouring properties and its contribution to the consistent form of architecture along the street. An objective and evidence-based assessment of the proposal relative to these matters has been undertaken, which has demonstrated that the dwelling would be detrimental to the character and appearance of this street, contrary to the requirements of Policy H1 and Policy D1 of the ALDP along with its associated APG, the Sub-division and Redevelopment of Residential Curtilages and Policy 14 of NPF4.

Materials

With respect to Policy D7 (Our Granite Heritage) of the ALDP, the applicants has advised that reclaimed granite would be used on the principal elevation as well as a small area of return on the two side elevations. Overall, this is acceptable in terms of the requirements of Policy D7. Notwithstanding the comment made above regarding the addition of a further material on the side elevations, the other materials have also been reviewed and overall, there are no conflict with the Materials APG.

Residential amenity

Both Policy D2 (Amenity) of the ALDP and the Amenity & Space Standards APG advises that *"Amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing"*. Consideration must be given to amenity of the future occupiers of the proposed, but also the existing neighbouring dwellings, with aspects such as daylight and sunlight, outlook, privacy taken into account.

With respect to sunlight and daylight, the proposed main dwelling will be in receipt of sufficient daylight with the majority of the solar gain being accounted for in the rooms facing south on the ground and first floor. The remainder of the dwelling, specifically the habitable space on the first floor of the rear wing has several roof lights proposed, six (two sets of three) on the north west roof plane and four on the south east roof plane. One set on the north west roof would serve the dog room, while the other set would serve the formal dining/tv room and the four on the south east would serve the kitchen and living area. Policy D2 also requires new development to make the most of any opportunities offered by the site to optimise sunlight through appropriate siting, layout and orientation. Due to the orientation of the dwelling and in particular the north-facing main living area, there is a degree of tension with this aim of Policy D2. Although facing north, the level of glazing, together with the inclusion of the rooflights, would likely result in adequate light penetrating this living space.

Turning to sunlight and daylight for the neighbouring properties, specifically 6 and 10 Woodburn Gardens, as well as the properties to the north and north east of the site, namely 213 and 215 Springfield Road, several existing and proposed sunpaths have been submitted as requested. These plans highlight potential overshadowing for the 20th March and 20th October and it is these that have been used to assess the impact of the development on the dwellings and garden

grounds to the south east and north west of the site and the garden grounds to the rear. However, it is worth noting that the neighbouring curtilage boundaries have not been shown on the plans provided, just an outline of the dwellings at 6 and 10 Woodburn Gardens so the full extent of the impact cannot be calculated in percentages. Furthermore, no details of 213 and 215 Springfield Road have been provided. However, the information provided still allows for an adequate assessment to be undertaken. Concerns regarding amenity have also been raised within a submitted representation.

Firstly, looking at 20th March at 9am and 12noon, the plans show that, owing to the position of the proposed dwelling, there would be no overshadowing or impact on daylight receipt of 6 Woodburn Gardens. However, the same cannot be said for 10 Woodburn Gardens to its west, where the plans show that at 9am and during the morning, there would be additional overshadowing within the rear garden, with a significant proportion of the garden nearest to the neighbouring dwelling being in shade as well as an area along No 10's south east boundary. While No. 10 has a large garden, the area which would be overshadowed is deemed to be significant and would impact the amenity of this property. This impact would also be apparent during mid-morning too, accepting that at 12 noon, given that path of the sun, there would be no additional impact on either neighbouring property, while there would be some slight overshadowing to the rear this is not significant. With respect to the garden grounds of 213 and 215 Springfield Road to the north, there would be some additional overshadowing, however, this appears to be restricted to the end of the gardens where there is a substantial level of mature landscaping which negates any overshadowing concerns. Turning to 5pm, as the sun moves west, the plans indicate no impact to 10 Woodburn Gardens, however there would be additional overshadowing to the rear garden of No. 6, which is deemed to be significant and the level of overshadowing appears to engulf the entirety of the neighbouring rear garden. This impact would be increased due to the resulting level differences between the two sites, should the proposal go ahead.

Moving to the October 20th, similar to the assessment in the paragraph above, the plans illustrate that there would be no overshadowing or impact on daylight receipt to 6 Woodburn Gardens in the morning and afternoon. However, this changes at 3pm, with the plans showing that there would be an increase in overshadowing within the rear garden. This impact would worsen as you move from 3pm to sunset, which on the 20th October is at approximately 5.50pm, resulting in the whole garden being overshadowed, which is not acceptable. For 10 Woodburn Gardens, the plans show that at 8am and during the morning, there would again be additional overshadowing, mainly to the area nearest to the dwelling and along the properties south east boundary. In addition, based on the information provided, it also appears that there would also be some impact on the dwelling at No. 12. While this dwelling is not plotted on the existing or proposed sun paths, it is clear that the level of overshadowing extends west beyond No. 10. Therefore, what has been demonstrated is unacceptable and would result in a significant impact on 10 Woodburn Gardens and their current amenity levels as well as 12 Woodburn Gardens. It is accepted that at 12noon and 3pm there would be no significant additional impact on this dwellings. With respect to the garden grounds of 213 and 215 Springfield Road to the north, there would be some additional overshadowing, however, as noted above this appears to be restricted to the end of the gardens where there is a substantial level of mature landscaping which negates any overshadowing concerns.

It is noted that there is also a window on the north west elevation of 6 Woodburn Gardens, the Planning Service do not know this rooms function and the plans provided do not show elevations of this dwelling, therefore a full assessment regarding any additional impact of loss of light in this room cannot be undertaken. The supporting statement at section 4.14 makes reference to this dwelling stating that the removal of the existing lean-to garage and the creation of a pend reduces the mass of the building on the ground floor. The statement does note that the proposal would sit closer to the boundary and therefore the neighbouring dwelling than existing, but the applicant advises that there would be no impact on the use or amenity of No. 6 and there would be no additional impact on it from the proposed dwellinghouse. The Planning Service do not agree with

this statement and while a pend is being proposed, the dwelling would be one and a half storeys in height and would sit on and closer to the mutual boundary with No. 6 than the current dwelling and lean-to garage. As such, it is clear that there would be an impact on the amenity of that property due to its overbearing nature of the development proposed and a further impact on that window on the west elevation of No. 6.

With respect to privacy, at this time, based on the information available its not clear if there will be any impact on the neighbouring properties to the east and west, from either the proposed dwelling or the external area/staircases. Whilst there is an existing dwelling here, given the extent of the development proposed including a change in ground levels, this may change. First looking at the dwelling, while the rooflights proposed cause no concern, the high level windows which would be on the north west elevation may result in some impact. While the applicant has proposed these to be obscured, this is not the normal course of action especially for a habitable room, which in this case would be a dining area/living room. The provision of such glazing, does lead to the conclusion that there would be a level of overlooking and the mitigation proposed is not an adequate or acceptable approach and fundamentally does not alter the situation, which is likely to result in an amenity impact on 10 Woodburn Gardens. In respect to the external stair cases, it is not clear if there will be significant screening along both the north west and south east boundary. For part of the north west boundary, along where the external staircase would be, the plans indicate that a 1m high fence will be fixed on top of the proposed retaining wall, however as there is no indication of how high the retaining wall will be, the full height of this part of the boundary treatment cannot be confirmed. However, the height of the staircase along this boundary sits at approximately 1.8m. Turning to the south east boundary, the applicant advised that will be screened by the existing 1.8m high hit and miss fence. However, the external steps here would be at a height of approximately 2.3m. Therefore, it is unlikely that the existing or proposed fences will provide sufficient or adequate screening along either boundary, therefore it would be highly possible for the occupants of the proposed dwelling to directly overlook their neighbours garden ground.

Given the projection into the site, it is accepted that the proposed glazing on the rear elevation would sit closer to the northern boundary, which shares a boundary with both 213 and 215 Springfield Road, however, this elevation remains a sufficient distance from the boundary at 21.8m and with the level of mature landscaping in place. Further to this, the garden grounds of these properties are in excess of 20m long and there is an sufficient level of existing mature landscaping in place along these boundaries. As such, there is no concern regarding impact on privacy as a result of this development.

The impact of daylight receipt on 10 Woodburn Gardens in the early hours of the morning on the 20th October and 6 Woodburn Gardens from 3pm onwards on the 20th October and 5pm on the 20th March results in an unacceptable amenity impact that cannot be supported in this case. Furthermore, there are concerns regarding overlooking, which would be a significant change from the existing situation. As such, a full and final assessment against Policy D2 or indeed Policy H1 of the ALDP cannot be undertaken at this time.

Summary

With respect to Policy H1 (Residential Areas), the proposed dwelling has been assessed and while there is no loss of open space, the development would constitute over development owing to the sheer level of development proposed, including significant excavation and the dwellings substantial footprint, scale and overall massing. There would be a significant impact on the street scene and visual amenity of Woodburn Gardens owing to an inappropriate design, scale and siting of the development as proposed. As such not only does the proposal fail to adhere to the criteria of Policy H1 (Residential Areas) of the ALDP, it is also contrary to the Sub-division and Redevelopment of Residential Curtilages APG), Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4. Finally, a full assessment against Policy D2

(Amenity) of the ALDP and the Amenity & Space Standards APG has been undertaken and the concerns regarding overshadowing are significant for both 6 and 10 Woodburn Gardens at different times of the day on 20th March and October, as well as an impact on 12 Woodburn Gardens during the morning in October. While the plans provided do not demonstrate all the information required, with respect to site boundary, an adequate assessment has been undertaken. In addition, there are significant concerns regarding overlooking and impact of privacy on 6 and 10 Woodburn Gardens. As such, the principle of development cannot be supported in this case.

Access and parking

With regards to access and parking, the proposal on these matters would be acceptable. There is an existing access onto Woodburn Gardens connecting to Springfield Road to the east and Queen's Road beyond. With respect to parking, a triple garage has been proposed and owing to the layout of the site, there would be sufficient space parking both to the rear and front of the proposed dwelling. The Roads Development Management Team has advised that it has no objection to the proposal. The site plan denoted that a car turntable is proposed to the rear of the site, however the Roads Development Management Team has advised in their response that these can breakdown or fail, however this would be in a location that there would be no impact on the public road and the driveway would be sufficient long to accommodate cars should this happen.

With respect to sustainable transport, the site is in close proximity to several bus routes including those that run along Queen's Road to the north east of the site, which provide access to the city centre and locations out of the city's boundary. In addition, there are local amenities within walkable distance from the site, including shops and public open space.

In light of the above, the proposal is acceptable when assessed against Policy T2 (Sustainable Transport) and Policy T3 (Parking) of the ALDP, its associated Transport and Accessibility APG and Policy 13 (Sustainable Transport) of NPF4. In addition, the proposal complies with the criteria of Policy 15 (Local Living and 20 Minute Neighbourhoods).

Natural heritage and landscaping

With respect to natural heritage there are a several aspects that requires to be considered and which will be address in the subsequent paragraphs, these comprise any potential impact on the Walker Dam, designated as Green Space Network and a Local Nature Conservation Site (Walker Dam and Rubislaw Link), bats and trees.

With respect to the Green Space Network and a Local Nature Conservation Site which lies to the south of the site across the public road, given the separation from the site, there are no concerns regarding any potential impact in this case.

Turning to bats, given the proximity of the site to suitable habitat and the likelihood the existing house could be accommodating bats, a bat survey was submitted with the application, however given it was carried out in 2022, over 18 months prior to the application being submitted, a further bat survey was required. Upon review of this updated survey, the Environment Policy Team are satisfied that there would be no harm to the protected species because no bats were found within the property and there is a lack of bat roosting opportunities. As such, this aspect of the proposal has been satisfactorily addressed.

With regards to trees, the Environment Policy Team advised that there are no significant trees within or immediately adjacent to the site that would be affected by this proposal and the landscaping plans are acceptable for a proposal of this scale. Therefore, this aspect of the proposal has been satisfactorily addressed.

While concerns regarding the landscaping plan were highlighted within the submitted representations, the information provided is deemed to be satisfactory as noted above.

Turning to biodiversity, given the extent of development within the site, there will be a loss of garden ground and landscaping. While an area of garden ground will remain, the loss of a substantial amount of landscaping, means it is likely that there could be an impact on biodiversity gain in respect to Policy 3 (Biodiversity) and Policy 4 (Natural Places) of NPF4.

In light of the above, the aspect of natural heritage has been satisfactorily addressed and overall the proposal is compliant with Policy 6 (Forestry, Woodland and Trees) and Policy 20 (Blue and Green Infrastructure) of NPF4 and Policy NE2 (Green and Blue Infrastructure), Policy NE3 (Our Natural Heritage), Policy NE5 (Trees and Woodland) and Policy D5 (Landscape Design) of the ALDP. However, owing to the loss of garden ground and a substantial amount of the landscaping the proposal is deemed to conflict with Policy 3 (Biodiversity) and Policy 4 (Natural Places) of NPF4.

Waste

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

Climate change and energy efficiency

With respect to NPF4, Policy 1 (Tackling the Climate and Nature Crises) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals, with Policy 2 (Climate Mitigation and Adaptation) requiring 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. Further to this, Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) of NPF4 seeks to support development proposals resulting in the sustainable reuse of brownfield land, including vacant and derelict buildings, whether permanent or temporary and the principle of re-using existing buildings and minimising demolition is also reflected in the objectives of Policy 12 (Zero Waste) of NPF4.

In this case, while the site is brownfield in that it has been previously developed, the dwelling appears to be structurally sound with it still being used and occupied as a family home and no information has been provided to state otherwise. Further to this, no justification as to why the existing dwelling cannot be reused and reconfigured has been provided, as such the demolition of this property in respect to its potential impact on climate change has not been suitably justified. Furthermore, apart from a small section in the Design Statement on energy saving technologies, no information has been provided to allow for an assessment of Policies 1, 2, 9 and 12 and NPF4. While the applicant may state that the dwelling they are seeking permission for is more energy efficient/sustainable, which regardless would need to be demonstrated via a building warrant, fundamentally the demolition of the existing dwelling and further construction of a new dwelling would have an impact on climate change.

With respect to the energy saving features, it is noted that an air source heat pump is proposed to the rear of the main part of the dwelling, however, beyond a side elevation no detailed elevations or detailed specifications have been submitted for assessment. Therefore, it has not been demonstrated that this installation would not cause harm to residential amenity arising from noise generated by the heat pump.

With respect to the above, no additional information was requested to undertake a full assessment owing to the concerns highlighted in the evaluation above. As it stands, the proposal fails to comply with Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) or Policy 12 (Zero Waste) of NPF4.

In respect of Policy R6 (Low and Zero Carbon Buildings and Water Efficiency) full details of these aspects would be required via a condition, if consent was granted, in order to adhere with R6 (Low and Zero Carbon Buildings and Water Efficiency) and the Resources for New Development APG.

Representations

Material considerations raised within the submitted representations have been addressed in the above evaluation. Some matters have been raised that are not material to the assessment, these are highlighted under the 'Representations' section above, these will not be addressed.

Supporting Information

The Planning Statement goes into some detail regarding the advice given during the pre-application stage, where necessary this has all been addressed in the above assessment. Further to this the statement does highlight a number of policies and guidance that have not been used during the assessment of this application, such as Policy H3 (Density) of the ALDP which relates to larger development sites and the Householder Development Guide which relates to householder development, however this is a replacement dwelling proposal not an extension, therefore neither the guidance nor Policy H3 are relevant. The statement also highlight Policy 16 (Quality Homes) of NPF4, but again this policy is not relevant to this proposal and has therefore not be used during the assessment.

DECISION

Refuse

REASON FOR DECISION

The proposed replacement dwellinghouse represents over development of the site, both in terms of building footprint and massing and its siting is deemed to be inappropriate, overwhelming and does not lend itself to ensuring the relationship with the neighbouring properties is maintained and offers a jarring contrast with the remainder of Woodburn Gardens. The design is inappropriate when considering the character of the surrounding area and would result in a significant impact on the street scene. This is due to the overall height, the development spanning effectively the entire width of the feu, the presence of the porch and inappropriately designed dormers. As such, the proposal fails to comply Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) as the principle policy, as well as the associated Aberdeen Planning Guidance The Sub-division and Redevelopment of Residential Curtilages and Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4).

Based on the information available, there will be a significant impact on the residential amenity of 6 and 10 Woodburn Gardens due to additional sunlight and daylight impacts caused by the proposed development at different times of the day on 20th March and October, as well as an impact on 12 Woodburn Gardens during the morning in October. Further to this, there would also be harm caused to the amenity of 6 Woodburn Gardens due to the siting of the proposed dwelling on the application site and its closeness to the mutual boundary. There are also significant concerns that the proposed dwelling would result in a change to privacy and overlooking. Therefore, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D2 (Amenity) of the ALDP and the associated Amenity & Space Standards Aberdeen Planning Guidance.

Finally, the application has not satisfied Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaption), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4, with respect to the demolition of the existing dwelling and the erection of its replacement. No information has been provided to justify the proposal in this regard and therefore the proposal cannot be considered to comply with the aforementioned policies.



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.

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

Type of Application

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

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

Description of Proposal

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

PROPOSED REPLACEMENT DWELLINGHOUSE

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?

Yes No

(Answer 'No' if there is no change of use.) *

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	MAC Architects		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Jonathan	Building Name:	
Last Name: *	Cheyne	Building Number:	24
Telephone Number: *	01651 862688	Address 1 (Street): *	Oldmeldrum Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Newmachar
Fax Number:		Country: *	UK
		Postcode: *	AB21 0PJ
Email Address: *	info@mac-architects.co.uk		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Brian	Building Number:	8
Last Name: *	Sinclair	Address 1 (Street): *	Woodburn Gardens
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Aberdeen
Extension Number:		Country: *	SCOTLAND
Mobile Number:		Postcode: *	AB15 8JA
Fax Number:			
Email Address: *	info@mac-architects.co.uk		

Site Address Details

Planning Authority:

Aberdeen City Council

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

Address 1:

8 WOODBURN GARDENS

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

ABERDEEN

Post Code:

AB15 8JA

Please identify/describe the location of the site or sites

Northing

805435

Easting

390518

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)

Please refer to Ryden Planning Statement for full response to Pre-App feedback

Title:

Mr

Other title:

First Name:

Ross

Last Name:

McMahon

Correspondence Reference Number:

210636PREAPP

Date (dd/mm/yyyy):

13/01/2022

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

Site Area

Please state the site area:

803.00

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)

DOMESTIC PROPERTY

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?

3

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)? *

6

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)

ADEQUATE SPACE OUTSIDE GARAGE DRIVEWAY TO LOCATE BINS

Residential Units Including Conversion

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

Yes No

How many units do you propose in total? *

1

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

All Types of Non Housing Development – Proposed New Floorspace

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

Yes No

Schedule 3 Development

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

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

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

Yes No

Certificates and Notices

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

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

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

Yes No

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

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

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

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

Signed: Jonathan Cheyne

On behalf of: Mr Brian Sinclair

Date: 23/08/2023

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)

SUN PATH

Provide copies of the following documents if applicable:

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

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

Declare – For Application to Planning Authority

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

Declaration Name: Mr Jonathan Cheyne

Declaration Date: 23/08/2023

Payment Details

Pay Direct

Created: 23/08/2023 17:19



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Jonathan Cheyne
MAC Architects
24 Oldmeldrum Road
Newmachar
AB21 0PJ

on behalf of **Mr Brian Sinclair**

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	231043/DPP
Address of Development	8 Woodburn Gardens Aberdeen AB15 8JA
Description of Development	Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works
Date of Decision	31 May 2024

DETAILS OF ANY VARIATION MADE TO THE APPLICATION

None.

REASON FOR DECISION

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

The proposed replacement dwellinghouse represents over development of the site, both in terms of building footprint and massing and its siting is deemed to be inappropriate, overwhelming and does not lend itself to ensuring the relationship with the neighbouring properties is maintained and offers a jarring contrast with the remainder of Woodburn Gardens. The design is inappropriate when considering the character of the surrounding area and would result in a significant impact on the street scene. This is due to the overall height, the development spanning effectively the entire width of the feu, the presence of the pent and inappropriately designed dormers. As such, the proposal fails to comply Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) as the principle policy, as well as the associated Aberdeen Planning Guidance The Sub-division and Redevelopment of Residential Curtilages and Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4).

Based on the information available, there will be a significant impact on the residential amenity of 6 and 10 Woodburn Gardens due to additional sunlight and daylight impacts caused by the proposed development at different times of the day on 20th March and October, as well as an impact on 12 Woodburn Gardens during the morning in October. Further to this, there would also be harm caused to the amenity of 6 Woodburn Gardens due to the siting of the proposed dwelling on the application site and its closeness to the mutual boundary. There are also significant concerns that the proposed dwelling would result in a change to privacy and overlooking. Therefore, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D2 (Amenity) of the ALDP and the associated Amenity & Space Standards Aberdeen Planning Guidance.

Finally, the application has not satisfied Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NPF4, with respect to the demolition of the existing dwelling and the erection of its replacement. No information has been provided to justify the proposal in this regard and therefore the proposal cannot be considered to comply with the aforementioned policies.



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

453(PA)001 B	Location Plan
453(PA)002 A	Site Layout (Proposed)
453(PA)003	Ground Floor Plan (Proposed)
453(PA)004	First Floor Plan (Proposed)
453(PA)005	Roof Plan (Proposed)
453(PA)006 A	Site Layout (Landscaping)
453(PA)007 A	Multiple Elevations (Proposed)
453(PA)008	Proposed Section 1-1 - 1-3
453(PA)009	Proposed Section 1-4 - 1-6
453(PA)010	Proposed Section 1-7 - 1-9
453(PA)011	Proposed Section 1-10 - 1-12

453(PA)012
453(PA)013 A
453(PA)014 A
453(PA)015
453(PA)016

Proposed Site Section
Existing/Proposed Sun Path Summer Solstice
Existing/Proposed Sun Path Winter Solstice
Existing/Proposed Sun Path 20th March
Existing/Proposed Sun Path 20th October
3D Visualisation

Signed on behalf of the planning authority



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.

Comments for Planning Application 231043/DPP

Application Summary

Application Number: 231043/DPP

Address: 8 Woodburn Gardens Aberdeen AB15 8JA

Proposal: Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works

Case Officer: Aoife Murphy

Customer Details

Name: Mr George Esson

Address: 215 Springfield Road Aberdeen

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: I comment on behalf of my wife and myself. We have three areas of concern relating to this proposal -

1. It is a very large increase in the footprint of the building - is this not overdevelopment of the site?
2. There will require to be excavation of the ground to a point relatively close to the boundaries with the Springfield Road properties which are at a higher level than the property in this application. Any slippage of ground caused by such excavations could adversely affect our boundary walls (and possibly even our houses). As lay people we see no mitigation measures e.g. retaining walls to prevent this.
3. The extended footprint will bring the new house much closer to our properties. The landscaping plan is ambiguous if the shown existing trees are to remain or be replaced with turf. We would like it to be a condition of any grant that the existing trees and bushes within, say, 3 metres of our boundary be retained and - having little confidence in contractors - replaced if damaged.

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Comments for Planning Application 231043/DPP

Application Summary

Application Number: 231043/DPP

Address: 8 Woodburn Gardens Aberdeen AB15 8JA

Proposal: Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works

Case Officer: Aoife Murphy

Customer Details

Name: Mr Ian Gellatly

Address: 213 Springfield Road Aberdeen

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object on the grounds this is a considerable over development. The proposed new house will be twice the size of the existing one. Rydans know this is over development hence they write at length to try and justify the proposal. I hope there has been good consultation with the next door neighbours especially at No 10. The owner is a 90 year old widower living alone. He has lived in the property for circa 40 years.

The proposed rear accommodation, windows and the sheer bulk will impact on the amenity of our property. We do not know how close the extension will be to our back wall. Probably too close for comfort and hence the amenity we have enjoyed for 40+ years will be endangered consequently I object again.

One last point, in the back garden there is a large Larch tree. It is now too big for the garden. It is a potential hazard to the surrounding properties. I know it survived Arwen but if it were to come down it would do much damage. It requires attention but I could not find any mention of action in the submission.

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Consultee Comments for Planning Application 231043/DPP

Application Summary

Application Number: 231043/DPP

Address: 8 Woodburn Gardens Aberdeen AB15 8JA

Proposal: Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works

Case Officer: Aoife Murphy

Consultee Details

Name: Mr Jack Penman

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

Email: Not Available

On Behalf Of: ACC - Roads Development Management Team

Comments

I note this proposal is for the erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works at 8 Woodburn Gardens, Aberdeen, AB15 8JA.

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

The site is in an existing residential area and is fronted by adopted footway and road.

There are well served public transport stops on Queens Road a short distance from the site.

For residential dwellings in the outer city boundary (4 or more bedrooms) ACC parking guidelines are for 3 allocated spaces per dwelling.

I note the applicant is proposing a triple garage. ACC do not have a standard for triple garages but are standards for single and double are as follows: The minimum acceptable external size of a new single garage is 6.0m x 3.0m, with a minimum internal size no less than 5.7m x 2.7m. The minimum effective entry width is 2.25m with a height of 1.98m. The acceptable size of a double garage is 6m x 6m external, with a minimum internal size no less than 5.7m x 5.7m (this is a local variation). It should be noted that all garages will only be counted as one parking space, provided that they meet the above minimum sizes. Whilst the above garage appears to be appropriate in terms of size it would also only be classed as 1 parking space.

ACC standards are for driveways in new houses to have a minimum length of 6m and that

driveways should not be between 7 & 10m in length. This driveway is greater than 10m in length and thus provides room for more than 2 cars.

It is noted that the applicant is to retain the existing footway crossing and is not proposing to widen this access. The applicant should be made aware that unauthorised works/alterations on or to the public road (includes footway and footway crossings) are not permitted and are an offence.

As the driveway is being extended in length and appears to be changing surface material the applicant should install suitable drainage measures at the front of the driveway to ensure no water discharges from the site onto the public road. The applicant should not use any loose material (e.g. stone chippings) must not be used to surface any of the first 2 metres length adjacent to the footway and ensure that existing visibility splays remain.

The Scottish Government has committed to the almost complete decarbonisation of road transport by 2050. One way of achieving this is through encouraging and facilitating the uptake of electric vehicles (EVs). All new developments will therefore be required to install appropriate EV charging infrastructure. This can take the form of: Active provision fully wired and connected ready to use charge points; and Passive provision provision of the underlying infrastructure (e.g. power supply and cabling) to enable installation and activation of a charge point in the future. For residential developments, one charge point (passive provision) is the minimum required for each unit where spaces are private and off-street. Charge points should be connected to the domestic electricity supply. The applicant should be made aware that as of June this year (2023) EV charging requirements fall under the remit of building standards. The applicant therefore should check these requirements and ensure that they are adhered to.

Roads would note that Car turntables can fail/breakdown. The location of this to the rear of the property would mean in such a case there would be no impact on the public road, but it could prevent access to the garage.

Noting the above points I can confirm that Roads have no objection to this proposal.

Aberdeen City Council – Development Management Team Consultation Request

Case Officer: Aoife Murphy	To: ACC - Waste And Recycling
E-mail: AMurphy@aberdeencity.gov.uk	Date Sent: 28 August 2023
Tel.: 01224 045242	Respond by: 18 September 2023

Application Type: Detailed Planning Permission
Application Address: 8 Woodburn Gardens Aberdeen AB15 8JA
Proposal Description: Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works
Application Reference: 231043/DPP
Consultation Reference: DC/ACC/S03UQNBZ03804

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

COMMENTS

Waste Services response regarding application 231043 8 Woodburn Gardens

As I understand, the development will consist of replacing one dwelling with another.

I have consulted with colleagues across the waste operations team. I can confirm that Aberdeen City Council intend to provide the following services upon building completion.

Please note the information provided below by Waste Services is independent of the outcome of the planning application, which is being determined by the planning authority.

Each residential property will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £36.93 each
- Delivery fee £30

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the waste containers must be presented on kerbside of Great Western Road only on the collection day and must be removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- Crews will not enter property to access bins
- No excess should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Responding Officer: N Taylor

Date: 31/08/2023

Email: wasteplanning@aberdeencity.gov.uk

Application 231043/DPP

Development Plan

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

- 1. Tackling the climate and nature crises
- 2. Climate mitigation and adaptation
- 3. Biodiversity
- 4. Natural Places
- 6. Forestry, Woodland and Trees
- 9. Brownfield, Vacant and Derelict Land and Empty Buildings
- 12. Zero waste
- 13. Sustainable transport
- 14. Design, quality and place
- 15. Local living and 20 Minute Neighbourhoods
- 20. Blue and Green Infrastructure

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
- NE2 Green and Blue
- NE3 Our Natural Heritage
- NE4 Our Water Environment
- NE5 Trees and Woodland
- T2 Sustainable Transport
- T3 Parking
- R5 Waste Management
- R6 Low and Zero Carbon Buildings and Water Efficiency

[Aberdeen Planning Guidance \(APG\)](#)

- The Sub-division and Redevelopment of Residential Curtilages
- Amenity & Space Standards
- Materials: External Building Materials and their Use in Aberdeen
- Landscape
- Transport and Accessibility
- Open Space and Green Infrastructure
- Natural Heritage
- Trees and Woodland
- Waste Management Requirements for New Developments
- Resources for New Development

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

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

Thank you for completing this application form:

ONLINE REFERENCE 100677506-001

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

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Ryden LLP"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Claire"/>	Building Name:	<input type="text" value="The Capitol"/>
Last Name: *	<input type="text" value="Coutts"/>	Building Number:	<input type="text" value="431"/>
Telephone Number: *	<input type="text" value="01224 588866"/>	Address 1 (Street): *	<input type="text" value="Union Street"/>
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="Aberdeen City"/>
		Postcode: *	<input type="text" value="AB11 6DA"/>
Email Address: *	<input type="text" value="claire.coutts@ryden.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="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Brian"/>	Building Number:	<input type="text" value="8"/>
Last Name: *	<input type="text" value="Sinclair"/>	Address 1 (Street): *	<input type="text" value="Woodburn Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Aberdeen"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="AB15 8JA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="claire.coutts@ryden.co.uk"/>		

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="8 WOODBURN GARDENS"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="ABERDEEN"/>
Post Code:	<input type="text" value="AB15 8JA"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="805435"/>	Easting	<input type="text" value="390518"/>
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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)

Appeal against the refusal by Aberdeen City Council to grant planning permission for erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works

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 Grounds of 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)

See attached Grounds of Appeal Statement list of documents

Application Details

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

231043/DPP

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

23/08/2023

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

31/05/2024

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)

The site should be viewed in context to appreciate the surrounding character that contains a range of different house types and styles

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)

Some of the proposals are contained within the rear garden of the property. While there are no barriers to entry, it cannot be fully viewed from Woodburn Gardens.

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 Claire Coutts

Declaration Date: 20/08/2024

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GROUNDS OF APPEAL STATEMENT

**APPEAL TO THE LOCAL REVIEW BODY AGAINST
 THE REFUSAL BY ABERDEEN CITY COUNCIL TO
 GRANT PLANNING PERMISSION FOR ERECTION
 OF REPLACEMENT DWELLING HOUSE WITH
 INTEGRATED GARAGE, FORMATION OF
 EXTERNAL STAIRS WITH HANDRAIL,
 ALTERATIONS TO BOUNDARY WALL, ERECTION
 OF BOUNDARY FENCE, FORMATION OF HARD
 SURFACING/PARKING AND ASSOCIATED
 WORKS AT 8 WOODBURN GARDENS,
 ABERDEEN, AB15 8JA**

MR BRIAN SINCLAIR

AUGUST 2024

Ryden

CONTENTS

- 01** Introduction
- 02** Executive Summary
- 03** Site Description and Proposals
- 04** Background
- 05** Development Plan Context
- 06** Grounds of Appeal
- 07** Response to Representations
- 08** Conclusion

DOCUMENTS

- SIN01** – Pre-application response from Aberdeen City Council; dated 15 June 21
- SIN02** – Applicant response to comments and amended proposals; dated 17 Aug 21
- SIN03** – ACC response to amended proposals; dated 23 Aug 21
- SIN04** – Further Amended pre-application proposals submitted to ACC; dated 12 Jan 2022
- SIN05** – Planning Application form and plans; dated 24 Aug 23
- SIN06** – Design Statement
- SIN07** – Bat Survey Report
- SIN08** – Planning Statement
- SIN09** – Consultee Responses
- SIN10** – Letters of Representation
- SIN11** – Revised Bat Survey; Dated Sept 23
- SIN12** – Planning Officer Comments on application; dated 27 Oct 23
- SIN13** – Amended Site Sections, Elevations and 3D visuals; dated 7 Feb 24
- SIN14** - Further response from Planning Officer; dated 23 Feb 24
- SIN15** – Updated information, including sun path analysis; dated 2 April 24
- SIN16** – Planning Feedback Report submitted to Council
- SIN17** – Decision Notice and refused drawings; dated 31 May 24
- SIN18** – Report of Handling
- SIN19** – NPF4 extracts
- SIN20** – 2023 LDP extracts

01

INTRODUCTION

- 1.1 This Grounds of Appeal Statement has been prepared by Ryden LLP on behalf of the Appellant, Mr Brian Sinclair against the refusal of Aberdeen City Council to grant planning permission for a replacement dwellinghouse with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works, at 8 Woodburn Gardens, Aberdeen, under the application reference 231043/DPP.
- 1.2 The appeal has been submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 within 3 months of the date of the refusal notice. The Appellants wish the appeal to be determined through the consideration of this written submission and urge Councillors to visit the site to view the proposals in context.
- 1.3 The Appellant is seeking the redevelopment of this site, due to their changing circumstances. The aim was to accommodate elderly parents, who require assistance to live or are house bound in their current homes. The Appellants themselves have a number of health issues and the proposals would provide an energy efficient home that is suitable for their and their family needs. Given the rising costs of development, it was more efficient and cost effective to demolish the house and reuse the materials in its redevelopment.

02

EXECUTIVE SUMMARY

- 2.1 A number of amendments were made by the Appellant both before the application was submitted, in response to the pre-application feedback, and during the application process in response to outstanding matters. While the Appellant was happy to make a number of amendments, a small number of outstanding issues remained, however, these were considered to be too severe and either compromised the entire scheme, or did not meet Building Standard requirements.
- 2.2 In an effort to negotiate with the Planning Authority, the final outstanding issues and suggested mitigation measures were submitted to the Planning Officer (**Document SIN16**), along with a request to discuss these issues on site, to enable a meaningful discussion in context, with a view to reaching an agreement on the proposals. This request was refused by the Planning Officer, leaving the Appellant no option but to appeal the application.
- 2.3 The final outstanding requirements from the Planning Officer included; the removal of the pend, the reduction of the ridge height of the dormers, bringing the face of the dormers in line with the balcony doors, and the reduction of the rear projecting wing. **Document SIN16** provides details of where changes have been made, or justifies why making those changes was not possible. As these issues were not set by any policy or guidance, it was considered acceptable to vary these and find a solution that both parties could agree on.
- 2.4 This document discusses why the assessment of these issues are considered subjective and the Planning Officer's insistence on these changes is considered unreasonable. It also emphasises why it is important to assess the development in the context of the surrounding area. Woodburn Gardens itself has no established character, given the range of property sizes, plot sizes and property designs in the street, as demonstrated by the property images in **Section 6** of this Statement and the photographs on **page 18-21**. This was accepted by the Planning Officer in their acknowledgement that there are differing plot sizes and "*no unified design*" on Woodburn Gardens. The wider area also demonstrates a range of designs and styles and if they are considered acceptable in their (more unified) context, the proposed dwelling is considered to be similarly acceptable in its varied context. It has been argued during the application process, that other design aspects, which were not acceptable to the Planning Officer on this site, are visible in the surrounding areas. The Appellant tried to suggest changes to mitigate the concerns of the Planning Officer, but these have been discounted without any justification, suggesting the subjective interpretation of guidance.

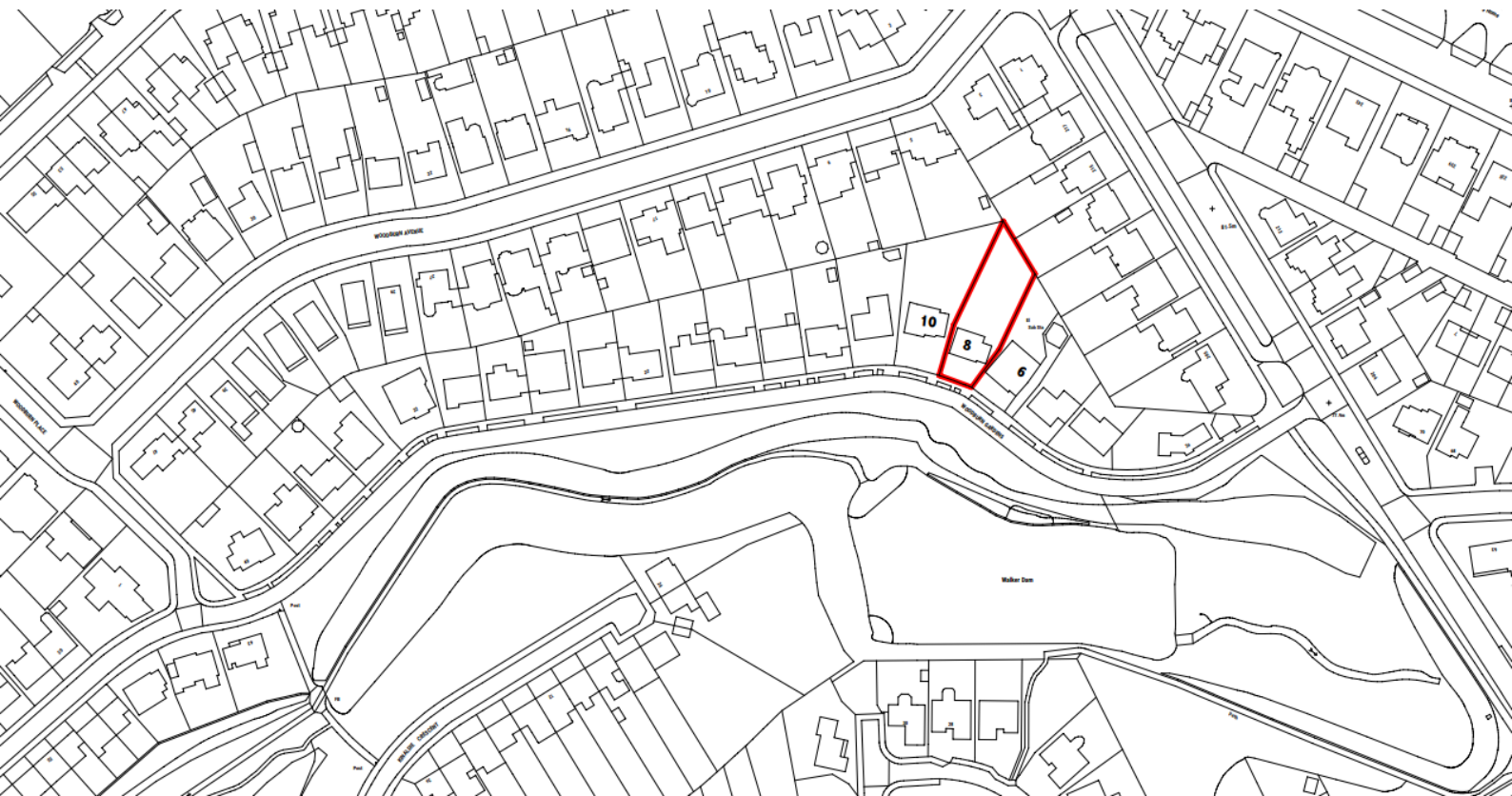
- 2.5 The Refusal Notice also introduces issues that were not raised during the application process and the Appellant was not given the opportunity to address at that time. This is not an example of a clear, or transparent planning application process and these matters should be discounted, as explained in this Statement.
- 2.6 The application proposed a high quality, energy efficient, modern dwelling that would meet the needs of the Appellant and their changing family dynamics. It would make efficient use of an existing site and infrastructure in the area. It is not accepted that the proposed dwelling would have a significant impact on the amenity of their properties and both next door neighbours have raised no objection to the proposals.
- 2.7 It is reiterated that the outstanding requirement, which formed the basis of the reasons for refusal, are not based on any specific Policy or Planning Guidance requirements, but the subjective interpretation of policy by the Planning Officer. It is not accepted that the proposals result in the overdevelopment of the site and the design is considered to be acceptable, when taking into account the range of design, styles and sizes of property in the vicinity. In fact, the architect was careful to keep the design of the proposed dwelling within the required range of the development site. This included less than 33% of the site being developed; the eaves and ridge height of neighbouring properties being considered; and the provision of a dwelling house form comprising a double fronted bay window 1.5 storey typology which is prevalent within the west end of Aberdeen.
- 2.8 In fact, **LDP Policy H3: Density** accepts that *“the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form”* and that *“imaginative design and layout of development can lead to more efficient use of land without compromising the local environment”*. This demonstrates that Policy supports differing designs and does not need to reflect the surrounding area, which forms the basis of the refusal.
- 2.9 The Appellant would urge you to consider this appeal favourably to enable them to deliver a new, energy efficient, appropriate home, to meet their changing circumstances.

03

SITE DESCRIPTION AND PROPOSALS

- 3.1 The application site lies to the east of Woodburn Gardens, towards its junction with Springfield Road. The plot extends to approximately 803 sqm and contains an existing 1.5 storey detached dwellinghouse of granite construction, extending to 103 sqm with substantial garden grounds to the rear and a smaller garden and driveway (leading to a lean-to garage) at the front of the property. The surrounding area is established residential, with a range of house styles, all of which are granite faced, sitting in large plots. The site does not lie within any Conservation Area.

- 3.2 The site is bound on three sides by existing development, comprising detached dwellinghouses accessed from Woodburn Gardens to the east and west, with garden ground of dwellings accessed from Springfield Road and Woodburn Avenue to the north. To the south lies the access road and beyond this an area of open space, including Walker Dam which is identified as Green Space Network and a Local Conservation Site in the Aberdeen Local Development Plan. The proposals would have no impact on these designations.



Site Location Plan

- 3.3 The proposals involve the construction of a 1.5 storey, 5-bedroomed dwellinghouse (as viewed from the front elevation) on the same position and ridge height as the existing dwellinghouse, but with an increase of footprint to the rear. The accommodation on the first floor extends across a proposed new pend which replaces the existing garage. To the rear, an extension is proposed, allowing for a full height open plan kitchen/living space, with direct access onto the rear garden. A triple garage is proposed under the extension, cutting into the elevated existing garden ground, making efficient and practical use of the space below. The proposed house extends to 163sqm.
- 3.4 As the site slopes from the south-west to the north-east, the garden ground currently sits at a higher level than the rear of the existing house. The replacement dwellinghouse aims to address the level differences across the site and provide a more flexible design that allows the seamless transition from the house to the garden ground. This is a common consideration in modern living and is not available with the current layout.
- 3.5 In terms of materials, granite from the existing house will be reused and a coursed granite frontage is proposed to the front elevation, keeping it in line with the existing dwellinghouse and surrounding area, with white render proposed to the side and rear elevations. Dark grey cedar cladding is proposed to the rear extension with slate across the entire roof. The existing boundaries are being partially upgraded with new blockwork walling and a 1.8m high hit and miss timber fence proposed.



Proposals

04

BACKGROUND

- 4.1 The applicant undertook pre-application discussions with Aberdeen City Council and a response was received on the initial proposals (**Document SIN01**) on 15 June 2021. It was acknowledged that the principle of residential development was acceptable, providing the criteria set out in **Policy H1** (Residential Areas) can be satisfied. In terms of details, there were some design, scale and massing issues required to be explored and addressed in the planning application.
- 4.2 These concerns related to the pattern of development in terms of massing and scale and the street facing elevation. However, it was accepted that the footprint of the dwelling proposed may be acceptable on the basis that a sufficient amount of garden ground would be retained and no more than 33% of the garden would be built upon and there is no undue impact on neighbours in terms of overlooking, overshadowing or loss of light. A total of 4 recommendations were suggested by the planning officer which, they perceived, would alleviate those concerns, including:
1. Remove pent and upper floor accommodation on the dwelling's eastern side. This will result in a property width (and spacing) akin to that predominating within the street and will likely alleviate concerns in respect of overshadowing to adjacent property.
 2. Reduce the overall ridge height of the property to no higher than the existing dwelling, or to that of 6 or 10 Woodburn Gardens, whichever is the greater.
 3. Reduce the ridge height and overall projection of the remaining, larger, dormers. The position/location of the balcony elements can remain; however, the face of the dormers should be brought back in line with the balcony doors. This will reduce their scale and impact within the street scene.
 4. Reduce the eaves level of the rear projection/wing – the reduction doesn't necessarily need to match that of the main body of the house; however, the discrepancy in height should be reduced by no less than 50%.
- 4.3 In response to these comments, the architect submitted further details to address these comments (**Document SIN02**), along with a comprehensive photographic survey of the existing dwellinghouse site and streetscape typology. This summarised that the plot density at 20.5%, is far less than the maximum 33% permitted; the existing dwelling is a straight gabled typology and the proposals don't change this; the dwellinghouse could move slightly to the west to minimise impact; roof pitch could be reduced, but it was required that the overhangs were retained, similar to a dwelling two doors to the east which has a full gable projection; and that due to topography, only a single storey extension is visible from garden level.

- 4.4 A response to that information was received from the Planning Officer on 23 August 2021 ([Document SIN03](#)). They acknowledged the plot density of 20.5% was acceptable, if it could be demonstrated that there would be no loss of light, overshadowing and overlooking, but maintained that the dwelling was 'too large' relative to surrounding properties in terms of the principal elevation. It was accepted that the concern was not the use of a gable roof (as it was noted that there are similar roofs in the vicinity), but the width, spacing, size and scale of the principal elevation. The Council considered that 3 dormers was considered excessive as there is nothing similar in the street and the reduction in the ridge height would be an appropriate compromise. The mismatching of the eaves levels between the front and rear projection was still considered an issue and sought that the discrepancy is addressed to some degree.
- 4.5 Further changes were proposed by the Appellant and information submitted to Aberdeen City Council on 12 January 2022 ([Document SIN04](#)). This included a reduction in the ridge height to match the neighbouring dwellinghouse and a reduction in the roof pitch of the dormers on the street elevation which addressed items 2 and 3 in paragraph 3.2 above. It was stated that the formal planning application would demonstrate and confirm no loss of light, overshadowing or overbearing. Reference was made to the range of housetypes on Woodburn Gardens, Woodburn Avenue, Springfield Road and Springfield Avenue, including different scales and ridge heights. In particular, the large new build on the corner of Springfield Avenue/Springfield Road was cited as an example of a small feu with a mass which is out of proportion with the neighbouring site and streetscape which demonstrated that a larger scale of dwelling was acceptable to Aberdeen City Planning Officers. It was therefore requested that the surrounding streetscapes were considered regarding the typology of the proposed housetype.
- 4.6 The exact footprint position of no. 6 Woodburn Gardens was submitted which highlighted the distances between the proposed dwellinghouses. This demonstrated that the position of the existing garage is within the same corner as the proposed granite pier for the pend and no further impact would be experienced. In relation to the eaves of the rear projection, it was explained that it was not possible to amend that aspect, as internal head height for the accommodation was required to meet with the rear garden levels, which is viewed as a single storey extension from that aspect. It was highlighted that the difference in eaves levels cannot be seen from Woodburn Gardens, however, to minimise any visual impact, dark grey linings were proposed.
- 4.7 A planning application was subsequently submitted on 24 August 2023, along with all necessary plans ([Document SIN05](#)), a Design Statement ([Document SIN06](#)), Bat Survey Report ([Document SIN07](#)) and Planning Statement ([Document SIN08](#)). The Planning Statement provided a detailed justification for the proposals based on policy position and addressed the outstanding issues raised in the pre-application responses by the Planning Authority. It ultimately concluded that many of the issues raised were subjective and Aberdeen City Council should take cognisance of the range of property types and styles in the surrounding area when assessing the proposals. When taking this into consideration, it was argued by the Appellant that the high quality nature of the proposed development complies with all relevant

aspects of the development plan.

- 4.8 There were two consultee comments returned (**Document SIN09**), comprising a response from the Council's Roads Development Management Team and Waste and Recycling. Roads provided some comments on the application, but had no objection. Waste and Recycling provided details of bin requirements and collection services, but similarly had no objection. Two letters of representation (**Document SIN10**) were received to the application, with one neutral and one objecting. A full response to these representations is provided in Section 7 below. A revised Bat Survey (**Document SIN11**) was submitted on 5th October 2023 at the request of the Council.
- 4.9 The Planning Officer offered comments via email dated 27 October 2023 (**Document SIN12**). This included a response to the four outstanding design issues associated with the proposals (as detailed in paragraph 3.2 above) and did not accept that the changes made addressed their concerns. It was acknowledged that the curtilage was of a sufficient size and the development covers 30% of the site. However, this was not acceptable to Planning Officer as the average level of development along Woodburn Gardens was considered to be only 26%. This is totally unjustified as it has been demonstrated that the plot density was within the appropriate density required by guidance. Further to this, 26% and 30% are not dissimilar and would meet the requirements of the Council that require 'similar plot' densities to be delivered, especially when plot sizes are not unified in the street.
- 4.10 The Council argued that no dwelling along Woodburn (no. 2 – 30) has been extended to such a degree within the rear curtilage and although they accepted that there is no unified design to these dwellings or plot sizes, these properties are of the same character and there is a high degree of consistency in respect of their size, scale and massing and it is those properties that were used to undertake an assessment of the proposals. However, it was also accepted that the design and character of no. 23-40 Woodburn Gardens is different, but it was not considered necessary to assess the proposal against those properties. This is questioned and fully backs up the Appellant's contention that there is no uniform character in the street. It is not reasonable, or acceptable to refuse the application for reasons that the design is not the same as other dwellings in the street, when they all differ in scale and typology.
- 4.11 In terms of design, the pend and dormers, the overall height and impact on the character of the area remained a concern, although it was also accepted by the Planning Officer that roof styles in the area differ and some properties had been extended to the side. It was also accepted that due to the curve in the road, there was no established building line and along with no. 6 and 10, the appeal site, as currently built, does not conform to any established building line.
- 4.12 Further details of sun path analysis were requested for March to October, to supplement the submitted June to December information, to establish if there is any impact on neighbouring properties. Accurate elevations were also requested due to discrepancies in plans submitted. In consideration of all these issues, the Appellant requested a meeting on site to discuss the issues in context with the Planning

Officer. However, this was questioned by the Planning Officer and ultimately rejected by them.

- 4.13 In order to address, as far as practicable the issues raised by the Planning Officer, further information was provided by the Appellant. This included Amended Site Sections, Elevations along with photomontages and a 3D Visualisation/Artists impression of the proposed dwelling in the street scene (**Document SIN13**), submitted on 7th February 2024, which addressed inconsistencies in the elevations.
- 4.14 A further response to this was received by the Planning Officer on 23rd February 2024 (**Document SIN14**). They did not accept the proposed changes were suitable, but failed to fully justify these with appropriate reasons. On the 2nd April 2024 the Appellant submitted final documents (**Document SIN15**) in response to the Council's comments, including updated planning drawings with the sun path studies for March to October, and no.6 Woodburn Gardens with its constructed extension, A planning feedback report (**Document SIN16**) responding to issues raised was also submitted by the Appellant addressing where it was not possible to make changes and made alternative suggestions to alleviate the Planning Officers concerns.
- 4.15 Despite numerous amendments made by the Appellant to the proposals to address concerns, it has not been possible discuss these issues fully with the Planning Officer and therefore no agreement has been reached on the outstanding changes requested by Planning Officers. The application was refused on 31st May 2024 (**Document SIN18**), with the following reason for refusal:

“The proposed replacement dwellinghouse represents over development of the site, both in terms of building footprint and massing and its siting is deemed to be inappropriate, overwhelming and does not lend itself to ensuring the relationship with the neighbouring properties is maintained and offers a jarring contract with the remainder of Woodburn Gardens. The design is inappropriate when considering the character of the surrounding area and would result in a significant impact on the street scene. This is due to the overall height, the development spanning effectively the entire width of the feu, the presence of the pend and inappropriately designed dormers. As such, the proposal fails to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) as the principle policy, as well as the associated Aberdeen Planning Guidance The Sub-division and Replacement of Residential Curtilages and Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design and Place) of National Planning Framework 4 (NPF4).

Based on the information available, there will be a significant impact on the residential amenity of 6 and 10 Woodburn Gardens due to additional sunlight and daylight impacts caused by the proposed development at different times of the day on 20th March and October, as well as an impact on 12 Woodburn Gardens during the morning in October. Further to this, there would also be harm caused to the amenity of 6 Woodburn Gardens due to the siting of the proposed dwelling on the application site and its closeness to the mutual boundary. There are also significant concerns that the proposed dwelling

would result in the change to privacy and overlooking. Therefore, the proposal fails to comply with Policy H1 (Residential Areas) and Policy D2 (Amenity) of the ALDP and the associated Amenity and Space Standards Aberdeen Planning Guidance.

Finally, the application has not satisfied Policy 1 (Tackling the Climate and Nature Crisis), Policy 2 (Climate Mitigation and Adaption), Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings) and Policy 12 (Zero Waste) of NFP4, with respect to the demolition of the existing dwelling and the erection of its replacement. No information has been provided to justify the proposal in this regard and therefore the proposal cannot be considered to comply with the aforementioned policies”.

- 4.16 A Report of Handling (**Document SIN19**) discusses the decision in more detail.

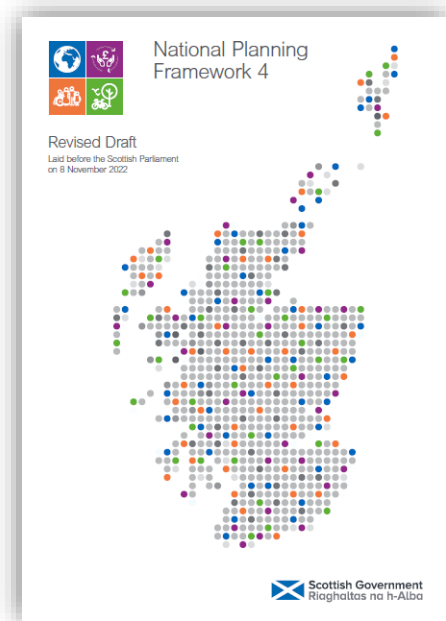
05

DEVELOPMENT PLAN CONTEXT

- 5.1 In determining planning applications, the Town and Country Planning (Scotland) Act 1997, as amended, requires planning authorities to have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations (Section 37 of that Act).
- 5.2 At the date of determination, the development plan for the area comprised the new **National Planning Policy Framework 4 (NPF4)**, which was adopted on 13th February 2023 and the **Aberdeen Local Development Plan 2017 (LDP)**.

NATIONAL PLANNING POLICY FRAMEWORK 4

- 5.3 NPF4 (**Document SIN19**) was adopted on 13th February 2023 (after the submission of the application) and now forms part of the statutory development plan, incorporating Scottish Planning Policy to form a single document. NPF4 therefore brings together the Scottish Government's long-term spatial strategy with a comprehensive set of national planning policies aimed at improving people's lives by making sustainable, livable and productive places. NPF4 will play a key role in delivering the United Nations Sustainable Development Goals, as well as the Government's national outcomes.



- 5.4 It contains 6 overarching spatial principles on **Just transition; Conserving and recycling assets; Local living; Compact urban growth; Rebalanced development; and Rural revitalisation**. These core principles will guide the planning of Scotland's future places which will be net zero, *nature-positive* places, designed to reduce emissions and adapt to the impacts of climate change, whilst *protecting, recovering and restoring our environment*.
- 5.5 A number of NPF4 policies are referred to in the Refusal Notice (**Document SIN???**) including **Policy 1 (Tackling the Climate and Nature Crisis)** and **Policy 2 (Climate Mitigation and Adaptation)**, **Policy 9 (Brownfield, Vacant and Derelict Land and Empty Buildings)**, **Policy 12 (Zero Waste)** and **Policy 14 (Design, Quality and**

Place). Other policies are referred to in the Report of Handling, but these are not referred to in this statement, considering they do not form a reason for refusal.

- 5.6 **Policy 1: Tackling the climate and nature crisis** and **Policy 2: Climate Mitigation and Adaption** are overarching policies, which encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and to encourage, promote and facilitate development that minimizes emissions and adapts to the current and future impacts of climate change.
- 5.7 **Brownfield, vacant and derelict land and empty buildings** are considered in NPF4 **Policy 9**. Such development is encouraged to reduce the need for greenfield development. The outcome is that development is directed to the right locations, maximising the use of existing assets and minimising additional land take. It is also noted that buildings and spaces can be regenerated to improve wellbeing and transform places.
- 5.8 **Policy 12: Zero Waste** encourages, promotes and facilitates development that is consistent with the waste hierarchy. Development proposals should seek to reduce, reuse and recycle materials in line with the waste hierarchy; minimize demolition and salvage materials for reuse, use materials with the lowest form of embodied emissions, such as recycled and natural construction materials.
- 5.9 **NPF Policy 14** related to **Design, Quality and Place** requires development proposals to be designed to improve the quality of an area. Development will be supported where they are consistent with the six qualities of successful place. This includes being healthy, pleasant, connected, distinctive, sustainable and adaptable.

ABERDEEN LOCAL DEVELOPMENT PLAN 2023

- 5.10 The Aberdeen Local Development (LDP) (**Document SIN20**), adopted in June 2023 and sets out the vision and strategy for all development in the local authority area. The refusal notice makes reference to a number of policies and these are detailed in turn.
- 5.11 The application site is located within a Residential Area under which policy H1 applies. **Policy H1: Residential Areas** states that within existing residential areas, proposals for new development and householder development will be approved in principle if it:
- Does not constitute overdevelopment;
 - Does not have an adverse impact to residential amenity and the character and appearance of an area;
 - Does not result in the loss of open space.

The supporting text to this policy states that **Aberdeen Planning Guidance (APG): “Householder Development Guide”** supports this policy and provides criteria to be satisfied with regard to extensions. The Pre-application feedback also made reference to **“The Sub-division and Redevelopment of Residential Curtilages”**

which become APG after the application was submitted. It requires that the location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area. The following principles should be considered:

- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces;
- The scale and massing of the any new dwellings should complement the scale of surrounding properties;
- The density of the surrounding area should be reflected in the development proposals for the new and existing property. As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon;
- New dwellings should generally not project forward of any established building line;
- The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street; and,
- The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.

5.12 With regard to design and materials, Guidance encourages high quality design and materials which enhance the appearance of the surrounding area, or that provides an attractive contrast to surrounding buildings. Particular care is necessary to ensure that any new dwelling incorporates design elements and materials that do not have a detrimental impact on the character of the area. Facing materials should be of equal or higher standard than that of existing dwellings. In areas where granite architecture predominates, all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed.

5.13 Guidance also covers matters of amenity and requires that new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sun lighting. Likewise, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area.

5.14 With regard to privacy, a minimum separation of 18 metres between the windows of existing and proposed habitable rooms is required. There will be circumstances in which greater distances are appropriate – for instance where there are differences in ground levels or where higher buildings are proposed. This distance can be reduced if the angle between the windows of the existing and proposed residential properties is offset, if effective screening exists, or if screening is proposed that would not obstruct light, adversely affect residential amenity or be unacceptable for other planning reasons. In exceptional circumstances high level windows may be

acceptable as long as they are not to habitable rooms or are secondary windows to habitable rooms (i.e. smaller windows provided in addition and usually in a different wall, to a room's main window). Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings.

- 5.15 In respect of trees and garden ground, rear gardens of houses up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be usable for sitting out and have an acceptable level of privacy and amenity. It must also not be directly overlooked by windows of habitable rooms of adjoining residential property.
- 5.16 **Policy D1: Quality Placemaking** requires that all development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed context appraisal. Proposals are required to ensure quality architecture, craftsmanship and materials; a well-considered layout, including biodiverse open space, high quality public realm and landscape design; and a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the developments. Proposals will be considered against the following six essential qualities; distinctive; welcoming; safe and pleasant; easy to move around; adaptable; and, resource efficient. How a development meets these qualities must be demonstrated in a design strategy whose scope and content will be appropriate with the scale and/or importance of the proposal.
- 5.17 In order to ensure provision of amenity **Policy D2: Amenity** identifies principles to be applied. Related to this application, development is to be designed to make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation; and ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook.
- 5.18 Other relative LDP Policy that has been taken into consideration and is considered important in the determination of this Appeal, includes **Policy H3: Density** which states, at paragraph 9.5 that *“the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. The density of a proposal will reflect the context of the site and that of the proposed development. If done well, imaginative design and layout of development can lead to a more efficient use of land without compromising the local environment”*.
- 5.19 **Policy D7: Our Granite Heritage** seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls. Proposals to demolish any granite buildings will not normally be granted planning permission, but where the tests for demolition are met, the visible re-use of salvaged features within the development site is required.

5.20 **Policy R6: Low and Zero Carbon Buildings** requires all new buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology.

06

GROUNDS OF APPEAL

- 6.1 In the first instance, it is considered appropriate to consider general reasons for refusal, before concentrating on the more specific aspects of the refusal. The third paragraph of the Decision Notice (**Document SIN17**) states that *“the application has not satisfied **Policy 1** (Tackling the Climate and Nature Crisis), **Policy 2** (Climate Mitigation and Adaption), **Policy 9** (Brownfield, Vacant and Derelict Land and Empty Buildings) and **Policy 12** (Zero Waste) of NPF4, with respect to the demolition of the existing dwelling and erection of its replacement. No information has been provided to justify the proposal in this regard and therefore the proposal cannot be considered to comply with the aforementioned policies”*.
- 6.2 Given the location of the appeal site within an **H1: Residential Area**, the principle of a replacement dwelling on the site was never questioned during the pre-application or application process. In fact, the pre-application response (**Document SIN01**) confirmed that *“the principle of further development is accepted, providing criteria set out in **Policy H1** (Residential Areas) can be satisfied”*. That criteria does not relate to demolition or upgrading and outstanding issues related to design matters and it is therefore surprising to read in the Report of Handling (**Document SIN18**) that, in relation to the principle of replacing the existing dwelling that *“no evidence has been submitted as part of the application to show that demolition and replacement is the only option and no justification as to why the existing dwelling cannot be upgraded to meet current energy efficient standards. As such the proposal is not considered to comply with **NPF4 Policy 9** on brownfield, vacant and derelict land and empty buildings”*.
- 6.3 To provide some justification, given the number of modifications required to bring the house up to an appropriate energy efficient standard and the amount of ground works required, it was more efficient and cost effective to demolish, level and rebuild the house. This is not an unusual position to take, especially in the current climate, where uncontrolled construction costs have risen substantially. **LDP Policy H3: Density** accepts that new development can lead to a more efficient use of a site and this is the case on the appeal site. Further to this, the aim of **NPF4 Policy 9** is to direct development to appropriate locations to reduce the need for greenfield development, to maximise the use of existing assets and minimising additional land take. The proposals would not be contrary to those requirements, given its location in an established residential area, that can make efficient use of existing infrastructure on and surrounding the site. It can provide an appropriate, energy efficient home, to meet the changing needs of the Appellant, in this established residential area and does not require any additional land take which is a fundamental aim of **NPF4**. No evidence or further information was ever requested during the application process to justify this position and it is therefore

considered to be entirely unreasonable to add reference to **NPF4 Policy 9** as a reason for refusal.

- 6.4 The reason for refusal also introduces reference to the proposals not satisfying **NPF4 Policy 1: Tackling the Climate and Nature Crisis** and **Policy 2: Climate Mitigations and Adaption** and **Policy 12: Zero Waste**. Again, this was never raised as an issue during the application process and appears to be an addition during the preparation of the Report of Handling to augment the refusal.
- 6.5 **Policy 1: Tackling the climate and nature crisis** and **Policy 2: Climate Mitigation and Adaption** are overarching policies, which encourage, promote and facilitate development that addresses the global climate emergency and nature crisis and to encourage, promote and facilitate development that minimizes emissions and adapts to the current and future impacts of climate change. **LDP Policy R6: Low and Zero Carbon Buildings and Water Efficiency** relates to these requirements and requires all new buildings to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology.
- 6.6 Further details in relation to energy efficiency, air source heat pumps and Mechanical Ventilation and Heat Recovery (MVHR) was included within the Design Statement (**Document SIN06**) submitted with the application and it is argued that this confirms compliance with **NPF4 Policy 1** and **2** and **LDP Policy R6**. The provision of this is acknowledged in the Report of Handling, therefore the Council is aware of the proposal meeting these policies. The issue appears to be the impact of these measures, as the Report of Handling (**Document SIN18**) states that no detailed specifications or elevations were submitted for assessment. Again, this was never requested during the application process and if it was, this could have been provided by the Appellant. Again, these policies are not appropriate reasons for refusal.
- 6.7 **Policy 12** on zero waste seeks to reduce, reuse and recycle materials in line with the waste hierarchy. **LDP Policy D7: Our Granite Heritage** supports this and requires the re-use of any granite in development proposals. It was also confirmed within the Planning Statement (**Document SIN08**) that granite will be reused for the front elevation of the house and if further stones are required, these will be sourced to match. The acceptability of this is also acknowledged in the Report of Handling. It is therefore concluded that the proposals comply with **NPF4 Policy 12** and **LDP Policy D7** in this respect and it not accepted that the stated policies (**NPF4 Policy 1, 2, 9 and 12**) are valid reasons for refusal and should be discounted.

6.8 The Council accepted the principle of development was acceptable and the main issues discussed during the pre-application and application process, was compliance with the specific requirements of **LDP Policy H1: Residential Areas**. That policy states proposals for new residential and householder development will be approved in principle if it:

1. Does not constitute over-development
2. Does not have an adverse impact to residential amenity and the character and appearance of an area
3. Does not result in the loss of open space.

6.9 The pre-application feedback acknowledged that the proposal does not result in the loss of valuable open space and criteria 3 of **Policy H1: Residential Areas** is therefore met. The other criteria are addressed in turn below:

1. DOES NOT CONSTITUTE OVER-DEVELOPMENT

6.10 The reason for refusal states that the proposed replacement dwellinghouse represents over-development of the site, both in terms of footprint and massing and its siting is deemed to be inappropriate, overwhelming and does not lend itself to ensuring the relationship with the neighbouring properties is maintained and offers a jarring contrast with the remainder of Woodburn Gardens. The design was considered to be inappropriate when considering the character of the surrounding area and would result in a significant impact on the street scene.

6.11 Over development, design and character were all considered to relate to each other and were considered together in the Report of Handling (**Document SIN18**). In the first instance, these issues are generally considered to be subjective. In such cases, it is important to refer to Policy and APG wording to interpret **LDP Policy H1**. Aberdeen Planning Guidance on “**The Sub-division and Redevelopment of Residential Curtilages**” (**Document SIN20**) has been considered in the assessment of the application.

6.12 That guidance requires that “*the location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area*”. This includes consideration of the following principles:

- *New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces;*
- *the scale and massing of the any new dwellings should complement the scale of surrounding properties;*

6.13 In the opinion of the planning authority, the dwelling is oversized. The Report of Handling states that form, scale and massing of the proposed dwelling relative to its neighbours and prevailing character and rhythm of development, including spacing between building should be considered. However, it is argued that the

assessment of this depends on the individual site characteristics. In the first instance, the main addition to the footprint is within the private rear garden ground and when seen from that aspect, it is a one storey addition. It is argued that this would have little impact on the wider area or street scene when viewed from Woodburn Gardens.

6.14 Further to this, the surrounding properties, all differ in their design as demonstrated in the images of a selection of the properties below. This was acknowledged by the Planning Officer during the course of the application and in the Report of Handing which states that *“it is recognised that there is no unified design to these dwellings, or indeed their plot size”, “the properties along Woodburn Gardens are not identical in their design”*.







Housing along Woodburn Gardens

6.15 However, the Council consider that there is a high degree of consistency with respect to character, with the street characterised by modest one and a half storey properties which are uniformly spaced and equally separated by modest driveways and small lean-to, single storey garages. In this instance, the use of the term “modest” by the Council is questionable. It is argued that properties in the area are more than “modest” properties. In this part of the street, properties are all double fronted, detached dwellings, sitting in large plots with large front gardens, with the smaller, semi-detached more “modest” dwellings on Woodburn Gardens, further west of the application site.

6.16 It is not accepted that there is “*consistency with respect to character*”, or an established architectural form along Woodburn Gardens. In particular, No. 2a Woodburn Gardens, which has been built in the garden ground of No. 2 Woodburn Gardens, is a bungalow and has completely different characteristics from the rest of the street.



No. 2a Woodburn Gardens

- 6.17 Photograph 16 (No. 2 Woodburn Gardens) has its own balcony built over a new garage extension; with a Jack and Jill balcony delivered on Photograph 15 (No 4). In addition, Photograph 15 (No. 4) and 1 (No. 32) have very sharp peaked “gable ridge” as opposed to dormers; Photograph 14 (No. 6) has been extended at the rear; Photograph 12 (No. 10) has no front door as the main door is at the side of the property; Photograph 11 (No. 12) has a new garage and extended living accommodation above with a large extension at the rear; Photograph 3 (No. 28) also has an extension over the garage, but the design differs to Photograph 11 (no.12); with the rest of the properties all having slightly different designs.
- 6.18 It should also be noted that the application site (Photograph 13) is the only building in the street (between No. 2 and No. 40) to have gabled walls that reach the ridge peak, where all the others have “hipped roofs”. Photograph No. 7 (No. 20 Woodburn Gardens) has been permitted to place pitched roofs on their existing flat dormer.
- 6.19 Beyond those shown in the photos, the designs of No’s 32, 34, 36, 38 and 40 Woodburn Gardens, further to the west, dramatically differ again, with some properties having built large extensions at the rear. The properties beyond the junction of Woodburn Place, change again from bungalows on the opposite side of the road, to semi-detached dwellings all of the same design. We would also bring to your attention, a large, modern, new build house on the corner of Springfield Avenue and Springfield Road (as shown below) which sits in a small feu with a mass that is out of proportion with the neighbouring properties and streetscape. If this modern house is considered acceptable in the context of that street, then it is argued that this proposal is equally acceptable in its context.



Modern House on Springfield Road

- 6.20 In summary, the photographs show a range of roof pitch, width of properties across the site, degree of separation between properties, integration of the garages, as well as design of the properties, including dormer windows. It is therefore not accepted that all properties are uniformly spaced and equally separated, nor do they all have lean-to single storey garages.
- 6.21 As there is no established pattern of development, or scale of development along the street, as required by APG, the proposed replacement dwelling on this site would not appear out of place at this location. It would be in keeping with the range of scale and massing of larger properties in this section of the street, as well as the differing relationships between properties that exist. It is therefore not accepted that the footprint, massing and siting is inappropriate, overwhelming and does not offer a jarring contrast to the remainder of Woodburn Gardens, as stated in the Refusal Notice.
- 6.22 Turning to the design of the proposed dwelling, the Planning Officer considered this to be inappropriate and would result in a significant impact on the street scene. This was due to the overall height, the development spanning the entire width of the feu, the pend and inappropriately designed dormers. The Report of Handling stated that several design concerns were highlighted to the applicant at pre-application and application process, but no changes have been made to address these concerns. This statement from the planning officer is incorrect. A number of amendments have been made during both the pre-application and application process and the final design concerns were addressed by the Appellant during the application process, through the submission of feedback and proposed mitigation information ([Document SIN16](#)). These issues and the amendments made will be discussed in turn.
- 6.23 In terms of the overall height, the design of the proposed dwelling is the same as the existing property, with the property still reaching only 1.5 stories from the front elevation and matching the height of adjacent properties as demonstrated in [Document SIN13](#). The only significant difference is the addition of further accommodation over the pend that replaces the garage that results in a wider property within the feu. This is not considered to be overbearing and would not cause a significant detrimental impact on the surrounding area, considering there is a range of designs of dormers in the locality, as well as accommodation built above garages, and spreading wider across feus, as demonstrated in the photographs above.
- 6.24 There are similar examples in the area, where, due to new accommodation being built above the garage, the gable roof now extends across the entire width of the site, as shown in the photographs above. This results in differing spacing between dwellings along the street and it is not accepted that they are uniformly spaced or any predominant distance, as stated in the Report of Handling. Dwellings spanning the width of the plot has therefore been accepted elsewhere and it is not accepted that the proposed dwelling *“fails to fit comfortably between adjacent properties to the east and west by virtue of its large, expansive gable roof which extends across the entire width of the site”* as stated in the pre-application response. There is

ample space on either side of the application site and access to adjacent properties is not affected by the proposals. In an effort to address design concerns, the Appellant also suggested the addition of a garage door on the pend, to give the appearance of an integrated garage, similar to no. 2, 12 and 28 Woodburn Gardens, but this was rejected by the Planning Officer with no justification.

6.25 The position of the existing garage is within the same corner as the proposed granite pillar for the pend and no further impact would be experienced. In fact, it is argued that some of the building mass at this location is reduced through the removal of the existing lean-to garage and the creation of a pend, thereby reducing the mass of the building on the ground floor. Although the roof extends beyond the pend to create accommodation above, which sits closer to the neighbouring property, this causes no impact on the use or amenity of that neighbouring property from the proposed pend. There would be no additional impact on the existing window on the western elevation of no. 6 Woodburn Gardens from the proposed dwellinghouse. In fact, it actually improves the amenity of that property. At its closest point, it currently looks onto the garage of no. 8, which would be removed, therefore setting no.6 further away from the proposed new house. This would create a feeling of openness, create more light and a better view of the side of no. 8 under the pend, or into the street. It is therefore not accepted that the proposed dwelling would create a very uncomfortable, or overbearing relationship with no.6 as stated by the Planning Officer. It is for this reason that the owner of no. 6 has raised no objection to the proposed dwelling.

6.26 As there is no firm building line, due to the bend in the street (which was accepted by the Planning Officer in their response to the application) it is argued that this reduces the impact of the proposals on the street scene. It ensures that the proximity to the adjacent dwelling is not visible until you approach the building. The existing hedge at no.6 Woodburn Gardens would also screen any view of the new roofline's proximity to the neighbouring property when viewed from the east. Any view of the roof from the west would be seen in the context of the house itself. As a result, it is contended that there is little impact on the streetscape at this location as a result of the wider roofline. This is demonstrated in the 3D visuals of the proposed development, shown below, which was submitted during the course of the planning application ([Document SIN13](#)).



CGI demonstrating proposed street scene

6.27 Further to this, it is argued that this is an existing residential area and it is not uncommon for extensions to create a new roofline that is closer to existing properties as demonstrated by the images above. A further assessment of properties in the locality (on Springfield Road, just around the corner from the appeal site) demonstrates an example where an extension results in the building being significantly closer to the adjacent property (on a similar bend in the road) as shown in the photograph below. If this was considered acceptable in this instance there is no reason why the proposals on the appeal site cannot be similarly acceptable.



Springfield Road

6.28 This demonstrates that the concerns of the Council are subjective, especially when considering there is no uniform spacing in this location and the proposal does not significantly impact the streetscape or the occupants of no.6 as addressed above. Nevertheless, in order to alleviate concerns that the roof arrangement would sit too close to no. 6 Woodburn Gardens, the proposed dwellinghouse was moved west so it sits further from that property. Unfortunately, it was not possible to amend this further without significantly impacting on the design of the proposals.

6.29 It was requested that the overall ridge height of the property was reduced to no higher than the existing dwelling, or to no. 6 or 10 Woodburn Gardens, whichever was greater. The Report of Handling states that there would be a difference of approximately 700m between the neighbouring and new dwelling. It is assumed that the Planning Officer means 700mm, with the existing dwelling sitting at 6.99m and the Planning Officer stating that the proposed dwelling is 7.7m. These measurements are incorrect and the plans submitted ([Document SIN13](#)) demonstrate that the proposed ridge height of the dwellinghouse matches the ridge height of no. 10 Woodburn Gardens. The roof pitch was also revised from 45 to 40 degrees, in compliance with Planning Guidance and requests of the Planning Officer.

- 6.30 A further issue raised is the provision of a pend on the south eastern part of the dwelling and relatively large dormers. The pend was not considered to be an architectural feature that can be seen anywhere along Woodburn Gardens. However, there is evidence of a pend being acceptable in the local area (on Springfield Road at the junction with Woodburn Gardens) and this is evidenced in the photograph below.



Pend photographs in area

- 6.31 The Council state in the Report of Handling, that this is not a pend, but a first floor extension that projects forward of the garage, owing to the property's design. The fact that this is not strictly a pend is considered irrelevant if it is viewed as one, which it is. The proposed pend is similarly an upper floor extension that necessitates an overhang due to the characteristics of the site and the design of the proposal, similar to the justification provided for the extension nearby.
- 6.32 The Planning Officer requested the removal of the pend and upper floor accommodation on the dwellings eastern side. However, the Appellant conveyed their concern, that doing so will result in the loss of a bedroom which would defeat the purpose of the planning proposals. The Appellant is looking to invest in their site and create a dwelling that meets their changing circumstances. Planning Guidance contains no advice on the provision of pends and only requires dwellings to be in keeping with the established character of the area. Again, it is important to emphasise that there is no established character in this area, given the range of property sizes and designs in the vicinity, which was accepted by the Planning Officer.
- 6.33 The provision of a pend, for the reason that there is not one in the area, is not considered to be a justifiable reason to refuse the design. However, to soften the perceived width of the proposed dwellinghouse, the Appellant offered to hip both sides of the main gables. It is therefore not accepted that the Appellant made no attempt to amend the design to reach some compromise, as stated by the Planning Authority.

- 6.34 With respect to the dormers, the planning officer, in their discussions of the application, acknowledged that they are not of poor design, but they considered them to be out of place in the wider street scene, based on their steep pitch/tall ridge height and again it was stated that this is not a design that can be seen in the surrounding area. This is refuted and a steep pitched dormer can be seen on properties on Angusfield Avenue, within close proximity of the appeal site. This property also has a significantly different roof height and pitch to its neighbour, which was clearly not an issue to planners in the determination of that application. Again, it is unreasonable to refuse the appeal proposals for reasons of design, when this has been accepted elsewhere.



Angusfield Avenue

- 6.35 The Planning Officer requested the reduction of the ridge height and overall projection of the dormers. It was accepted that the position/location of the balconies could remain, but the face of the dormers should be brought back in line with the balcony doors, to reduce their scale and impact within the street scene. Again, attention is drawn to the varying styles of houses in the locality, especially along Woodburn Gardens, where there is a range of roof pitches/ridge height evident as demonstrated in the photographs above.
- 6.36 Numbers 2, 4, 32 and 36 Woodburn Gardens all have a steeper roof pitch/ridge line on part of the building and the photographs above demonstrate a range of dormer designs in the area. Therefore, the introduction of a slightly steeper pitch/ridge in this instance is not considered to be out of place in the wider street scene. The supporting text to **Policy H3: Density** acknowledges that new housing should not be dictated by the need to “*replicate existing style or form*” and it is argued that the proposed design should not have to replicate existing style or form

as stated in the LDP. The new dwelling at no.8 would add to the variety of house styles in the street, which should be viewed as a positive, rather than a negative.

- 6.37 Again, to try and alleviate the Council's concerns, the Appellant did propose the change in the roof pitch again, from the already reduced 45 degrees to 40 degrees to minimise the overall mass. It was further argued that the proposed dormer roofs are designed with consideration of the latest "Scottish Building Regulations – Overheating" which requires all proposed dwellinghouses to consider the impact of excessive solar gain to south facing elevations. The provision of the roof elements creates natural shading from summer sun and prevents the overheating of the dwellinghouse. The configuration of the roof profiles to each of the dormer balconies also creates a sheltered area outwith the first floor apartments for the occupants. It is noted that no.2 Woodburn Gardens has a much larger balcony area with protruding roof profile demonstrating there is precedent in the street for this element of design. Again, this is considered to be subjective and not a valid reason to refuse the application.
- 6.38 Finally, the Planning Officer requested the reduction of the eaves level of the rear projecting wing. It was accepted that the reduction doesn't necessarily need to match that of the main body of the house, however, the discrepancy in height should be reduced by no more than 50%. This issue was discussed with the planning officer during at the pre-application stage.
- 6.39 The dwellinghouse has been designed to reflect the site topography. As such, the rear element of the proposal is in most part built into the ground, with steps down from the back door before additional steps to the start of the elevated garden, which rises further up the garden and away from the house. **LDP Policy D5: Landscape Design** and the supporting guidance requires proposals to be informed by the existing landscape character and in this instance, it has been informed by the topography of the site to create a distinctive new dwelling.
- 6.40 This links with **Policy D2: Amenity** of the LDP which requires development to be designed to make the most of opportunities of offered by the site to optimise sunlight and ensure occupiers are afforded adequate levels of amenity. This has been achieved on the site through the design of a better solution which maximises the topography of the site to better the levels of amenity when considering the existing house is impacted by the difference in levels which ultimately affected the amenity enjoyed by the occupants.
- 6.41 It was for this reason that the pitched roof form was configured respectfully to the surroundings. This was understood by the Planning Officer during the pre-application discussions. When viewed from the neighbouring plots, the rear extension would be observed as a single storey extension meeting the garden level. Discussions were held with Planning Officers with the view to creating a mansard structure, however, this was considered to create a top heavy appearance, contrary to Planning Guidance and a simple pitched roof with dark vertical cladding was considered to be the most appropriate solution.

- 6.42 It was confirmed throughout the planning process, that it was not possible to drop the eaves height of the rear projection as this height was required to form sufficient headroom within the kitchen and dining room and to meet the rear garden levels, which ultimately improves the amenity of the dwelling in line with **LDP Policy D2**. It is therefore not accepted that the only reason for not amending this design in this regard was because it contradicts the Appellant's design plan as stated in the Report of Handling.
- 6.43 Further to this, it was previously accepted by the Planning Officer, that if the external façade was altered with materials which minimise the impact of the massing, this height could be accepted. The Appellant offered to alter the vertical façade elements of the rear/first floor extension to slate cladding to blend in with the roof. It would seem unreasonable for the application to be refused on this basis when it was previously discussed and accepted by the Planning Officer.
- 6.44 This difference in eaves levels cannot be seen from the streetscape of Woodburn Gardens and as a result there is no impact from that elevation. The rear projection sits to the rear of the property and has little impact on neighbouring properties, other than extending further than the existing.
- 6.45 The Planning Authority suggested, in the Report of Handling, that the Appellant has not taken on board any of their advice. However, the Appellant has made many amendments to the design of the house during the pre-application and application process to alleviate concerns, but some of these altered the design to a detrimental degree for the Appellants needs. The Appellant tried to discuss the development and appropriate design considerations with the Planning Officer on site, but this was ultimately rejected by them. The Appellant has therefore has had no option but to appeal the decision.
- 6.46 It is important to note that the supporting text to **Policy H3: Density** acknowledges that new housing should not be dictated by the need to "*replicate existing style or form*" and in this case, although the design is modern and closer to the neighbouring property, it remains within the boundary of the application site and enables the creation of a significantly enhanced property, which is of high quality design and construction, which has been developed as a result of context appraisal, quality architecture and materials in line with the applicable parts of **NPF4 Policy 14: Design Quality and Place**, **NPF4 Policy 16: Quality Homes** and **LDP Policy D1: Quality Placemaking**.
- 6.47 Further requirements of policy and guidance in relation to the established spatial character and built form of the surrounding area, includes:
- *The density of the surrounding area should be reflected in the development proposals for the new and existing property. As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon;*

- 6.48 The Council previously accepted, in pre-application discussions, that the footprint would be considered acceptable on the basis that a sufficient amount of garden ground would be retained and no more than 33% of the garden would be built upon. The plot density was confirmed to the Planners as being 20.5% (but subsequently amended by the Planning Officer to 30% during the application process) which (in either case) is less than the 33% permitted in Aberdeen Planning Guidance. This plot density is an actual figure, that is not subjective and the proposals comply in that regard. Together with the majority of the massing of the proposal, being to the rear of the site, it is not accepted that the proposed replacement dwelling is grossly oversized in terms of its footprint or scale.
- 6.49 However, the Report of Handling makes reference to a number of other requirements in the assessment of the plot density, which is not contained in Planning Guidance. It makes reference to the existing development equating to 13% and the proposal representing an increase to 25%, approximately double that of what currently exists, demonstrating that the proposed dwelling is substantially oversized when compared to the existing. Nowhere in Planning Guidance does it state that appropriate plot density is based on the existing plot ratio against the proposed. As long as the plot density does not exceed 33%, any increase should be appropriate and the application demonstrated that this figure was not exceeded.
- 6.50 An assessment of the surrounding plot densities and layouts was also considered in the Report of Handling as this was considered to be a more fundamental factor to consider. This is not a requirement of the Planning Guidance. It was accepted by the Planning Officer that the site sits on a bend and has a larger curtilage and rear garden, however, it was suggested that this does not necessarily mean that there should be substantially more development on the site. This is subjective and again, should not be used to consider whether the proposals comprise overdevelopment. It is argued that the 33% figure in the Planning Guidance, is there to ensure a fair assessment, considering there will be a range of plot sizes across the City.
- 6.51 Nevertheless, it was stated in the Report of Handling that if comparing the proposed development to existing properties along Woodburn Gardens, the average works out at approximately 26%. The Planning Officer even accepts that *“while the footprint of this dwelling is similar to the average, this is only achievable because of the large extent of the site”*. Surely, the size of the plot is irrelevant, if the plot density is the same as the average and is within the 33% stated in Planning Advice. In this instance, the Appellant has demonstrated that the proposals do not comprise overdevelopment of the plot.
- *New dwellings should generally not project forward of any established building line;*
- 6.52 In response to this, no. 8 Woodburn Gardens sits at the bend in the road, where there is no firm or established building line. This is accepted by the Planning Officer in their assessment. The proposed new building line sits forward slightly from no. 10 Woodburn Gardens, and back slightly from no. 6. The proposed new dwelling

does not, therefore, alter the existing building line and the proximity to the adjacent dwelling is not visible until you approach the building. The proposals therefore comply with requirements in this regard.

- *the distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street;*

6.53 As discussed above, it is argued that there is no predominant distance between dwellings on the street and as such, the proposed dwelling does not create a significant impact on this as there is no standard to replicate.

- *The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.*

6.54 The Council further contend that the proposed ridge of the roof would sit far higher than that of adjacent properties, contrary to Guidance. It can be confirmed that the ridge line has been reduced in line with these comments (**Document SIN13**). It is also important to highlight in this respect, that there are many examples of varying scale and ridge heights on properties on Woodburn Gardens, Woodburn Avenue, Springfield Road and Springfield Avenue and it is requested that this is taken into consideration in reviewing the proposal in context.

6.55 In summary, it is not accepted that the proposal results in the overdevelopment of the plot, or an inappropriate design, as stated in the reason for refusal, considering the Planning Officer accepts that there is “*no unified design*” to the dwellings or their plot sizes. As a result, the character of the surrounding area is not uniform and final issues raised in relation to design are considered to be subjective.

2. DOES NOT HAVE AN ADVERSE IMPACT TO RESIDENTIAL AMENITY AND THE CHARACTER AND APPEARANCE OF AN AREA

6.56 Issues related to the character and appearance of the area is addressed above and this section will deal with issues of residential amenity under **LDP Policy H1: Residential Areas**, including privacy and overlooking and overshadowing.

Residential Amenity

6.57 **NPF4 Policy 16: Quality Homes** confirms that householder development proposals will be supported where they do not have a detrimental impact on the neighbouring properties in terms of physical impact, overshadowing or overlooking. Aberdeen Planning Guidance supports this in that new residential development should not borrow amenity from adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting. Likewise, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area.

- 6.58 The Council accept in their Report of Handling, that the proposed main dwelling will be in receipt of sufficient daylight, with the majority of the solar gain being accounted for in the rooms facing south on the ground and first floor. **LDP Policy D2** requires new development to make the most of any opportunities offered by the site to optimise sunlight through appropriate siting, layout and orientation. The Report of Handling accepts that the level of glazing, along with the rooflights would result in adequate light penetrating the living space, complying with policy in this regard.
- 6.59 The reason for refusal states that there will be significant impact on the residential amenity of 6 and 10 Woodburn Gardens due to additional sunlight and daylight impacts caused by the proposed development at different times of the day on 20th March and October (**Document SIN15**). However, this does not take into account the daylight and sunlight calculation submitted for June and December in the original application (**Document SIN05**), which demonstrated that the existing and replacement properties would be afforded adequate levels, with no undue impact over and above that already experienced.
- 6.60 It also takes no account of the fact that, even in March, between 9am and 12 noon, there would be no overshadowing or impact on daylight receipt to 6 Woodburn Gardens. It is only between 9am and 12 noon that there is considered to be unacceptable overshadowing within the rear garden of no. 10 Woodburn Gardens. However, it is argued that this only covers a small portion of the garden and this is no different to the overshadowing that currently exists onto the garden of the appeal property, from no. 10 Woodburn Gardens at 5pm. The Council go onto accept that, after 12 noon, there would be no additional impact on either neighbouring property. Although it does state that at 5pm there is additional impact on no. 6 Woodburn Gardens, again, it is argued that there is already significant overshadowing on this garden and the proposed development would not increase that significantly. It is also important to note that neither neighbour has raised any issue with the proposed development.
- 6.61 Turning to October assessments, the Council accept that there is no overshadowing to no. 6 Woodburn Gardens up until 3pm, with an increase in overshadowing after this. This is not considered to be excessive. This was considered to worsen by the Council, with the whole garden being overshadowed by 6pm. However, this could be said of many gardens, in Aberdeen, in October and is not considered to be a reason to refuse the application. In relation to 10 Woodburn Gardens, it is accepted that there is additional overshadowing at 8am. However, this is not considered to be excessive and is likely to be the position in many gardens at this time. The Council acknowledge that there is no significant impact on no. 10 Woodburn Gardens at 12 noon and 3pm and this is when the garden is most likely to be utilised.

6.62 In summary, it is argued that an increase in some overshadowing in the morning to no. 10 and in the evening to no. 6 in March and some overshadowing in the morning to no. 10 in October is not considered to be significant enough to refuse the application. Again, it is important to note that there has been no concern raised by either neighbour to the proposals.

Privacy and Overlooking

6.63 In relation to amenity, the reason for refusal goes onto state that there would also be harm caused to the amenity of 6 Woodburn Gardens due to the siting of the proposed dwelling on the application site and its closeness to the mutual boundary. There are also significant concerns that the proposed dwelling will result in a change to privacy and overlooking and fails to comply with **Policy H1: Residential Areas, Policy D2 (Amenity)** and the associated **APG: Amenity and Space Standards**.

6.64 The Report of Handling provides further details as to the concerns of the Planning Authority. It states that there is a window on the north elevation of no. 6 Woodburn Gardens, but accept that they do not know what the function of this room is. The Council consider that because the proposed property would sit closer to the mutual boundary, there would be an impact on that window. This is refuted.

6.65 It is argued that some of the building mass at this location is reduced through the removal of the existing lean-to garage and the creation of the pend, thereby reducing the mass of the building on the ground floor adjacent to the ground floor window of no. 6, which is a utility room. As such, there is considered to be no additional impact on that window from the proposed dwelling. At its closest point, it currently looks onto the garage, which would be removed, with any new view being of the side of the house under the pend, or into the street, setting it further away from the proposed new building. This will bring more light into the ground floor window of no. 6 and the Council's assessment is considered to be subjective in this instance.

6.66 With regard to no. 10, the Report of Handling is not clear as to whether overlooking would be significant. It is accepted that the rooflights cause no concern, but they consider that the high level windows on the north west elevation may result in some impact. This is refuted. They are high level windows, which will let in light rather than be looked out of, given their height. To mitigate any concerns, the Appellant has proposed to be obscure glazing, which would ensure no overlooking, if someone was to be tall enough to look out of them. However, the Council did not accept this as appropriate mitigation and merely concluded that this suggests there is overlooking.

6.67 It is argued that this is not a suggestion of overlooking, considering their height, but demonstration that the Appellant is trying their best to ensure the Council's concerns are mitigated. This was not considered to be an acceptable mitigation measure by the Council as it is *"not the normal course of action, especially for a habitable room"*. Again, this demonstrates the subjectivity of the Council's decision

making. There is no firm requirement for habitable rooms to not have obscure glazing and the appellant is being penalised for trying to find solutions to the perceived issues of the Council for very spurious reasons. This is not an acceptable reason to refuse the application.

- 6.68 In addition to this, the pre-application response did not raise the high level windows as an issue and the Council previously accepted that all proposed habitable rooms windows are either facing north into the rear garden, south over Woodburn Gardens, or are high level horizontal windows or rooflights. This suggests the high level windows were acceptable at that time.
- 6.69 The only issue on that elevation was the overlooking resulting from the proposed ground floor office/study and external staircases. However, that ground floor office/study looks onto the side of no. 10 Woodburn Gardens which has no windows, apart from its own high level/loft window or a window in the garage. As such, there would no overlooking into any habitable rooms on the eastern elevation of the neighbouring property.
- 6.70 The images submitted with the application shows that the external staircase is screened by a boundary wall, which would provide adequate screening, but it is not accepted, with the Report of Handling, that this fence will provide sufficient screening. However, there are other aspects that can mitigate any overlooking. The bend in the building line at this location gives the feeling of adjacent properties being further apart than others in the street, minimising the impact further and existing screening that exists within the garden ground along the site boundaries would mitigate this further. If additional landscaping was required to address this issue, it is argued that this could be conditioned.
- 6.71 In summary, it is therefore argued that the proposal does not constitute overdevelopment, creates no unacceptable impact on the character and amenity of the area and complies with **NPF4 Policy 16: Quality Homes, NPF4 Policy 14: Design, Quality and Place, LDP Policy D1: Quality Placemking, LDP Policy D2: Amenity** and **Aberdeen Planning Guidance** as required by **Policy H1**.

07

RESPONSE TO REPRESENTATIONS

- 7.1 Two representations ([Document SIN10](#)) were received by members of the public during the application process, both of which were from properties along Springfield Road. One was neutral and the other raised an objection. These raised the following issues:

It is a very large increase in the footprint of the building. The proposed house will be twice the size of the existing one.

The proposed dwelling is set within a considerable plot and the size of the proposed house is considered irrelevant if it does not result in more than 33% of the plot being built upon. The proposed dwelling has been calculated at 20.5% of the plot size, in compliance with requirements.

The extended footprint will bring the new houses much closer to our properties. The rear accommodation, windows and bulk will impact on the amenity of our property. We do not know how close the extension will be to our back wall.

[Aberdeen Planning Guidance \(Document SIN20\)](#) requires that gardens should have an average length of 9 or 11 metres depending on storey height. The Appeal site and surrounding properties are all set in large garden and this distance is comfortably met on the site. The Council acknowledges that once built, the proposed dwelling would have a resultant depth ranging from 12-25m in length. The Council also accept that this will not be directly overlooked by adjacent residential properties, nor would it be subject to any significant degree of overshadowing.

With regard to privacy, there should be a minimum separation of 18 metres between windows of existing and proposed habitable rooms. Again, this is comfortably met between the proposed new dwelling and the properties along Springfield Road, who made these comments.

The amenity of these properties will not be adversely affected and this is acknowledged in the Report of Handling which states *“the elevation remains a sufficient distance from the boundary (of 213 and 215 Springfield Road) at 21.8m and with the level of mature landscaping in place. Further to this, the garden grounds of these properties are in excess of 20m long and there is a sufficient level of existing mature landscaping along these boundaries”*. As such, there is no concern regarding privacy and amenity of these properties.

There will require to be excavation of the ground to a point relatively close to the boundaries with Springfield Road properties. Any slippage of ground could adversely affect our boundary walls.

Given the intervening land between the Appeal site and the dwellings on Springfield Road, it is argued that excavation will not be required too close to the boundaries of Springfield Road to create an issue.

We would like it to be a condition of any grant that the existing trees and bushes, within 3 metres of our boundary be retained and replaced if damaged.

It would not be a reasonable or enforceable condition to require the retention of trees and bushes within the appeal site. However, the distance between any existing and proposed dwelling has been assessed above and it has been concluded that there is sufficient intervening garden ground to ensure appropriate separation distances are retained.

I hope there has been good consultation with the next door neighbors especially at No. 10. The owner is a 90-year-old widower living alone and has lived in the property for c.40 years.

The Appellant is on very good terms with both neighbours, especially the elderly neighbour at No. 10, whom they look after and provide meals for. The Appellant has consulted both neighbours extensively on the proposals and both are aware of what is being proposed. Neither neighbour has objected to the proposals.

08

CONCLUSION

- 8.1 It is not accepted that the proposals comprise the overdevelopment of the site in terms of footprint and massing. The plot ratio at 20.5% is well within the 33% development ratio indicated in Aberdeen Planning Guidance. Garden lengths and overlooking distances are also achieved. Therefore, where Aberdeen Planning Guidance exists, it has been demonstrated that the proposals comply with that requirements.
- 8.2 It is argued that, where agreement has not been reached with the Planning Authority, it has been in relation to issues that are more subjective, with room for negotiation. A number of design issues have been conceded by the Appellant, including the reduction of the ridge height, the reduction of the roof pitch, but despite the best efforts of the Appellant, it has not been possible to discuss the outstanding issues on site with the Planning Officer to reach agreement.
- 8.3 The outstanding issues from the Planning Officer included the removal of the pend, the projection of the dormers, the reduction of the eaves in the rear projection and the width of the dwelling within the feu. However, amending these would have compromised the design of the proposals to such an extent that it would have resulted in the loss of required accommodation, or accommodation that did not meet building regulations or room height requirements. Making these changes would have ultimately defeated the purpose of the planning consent to create a high quality, energy efficient dwellinghouse to meet the changing and varying needs of the Appellant.
- 8.4 There is nothing within Guidance that dictates these requirements. Given the subjective nature of these issues, it is argued that the proposals should be viewed in the context of the surrounding area. This is characterised by a range of size, scale, massing, design and spacing between properties, with no predominant or established pattern of development to which the proposals must be consistent. This was acknowledged by the Planning Officer at all stages of the application process and it is unfair that these issues are the basis of the refusal.
- 8.5 Attention is also drawn to the range of styles and spacing on houses in the vicinity, including a modern house on Springfield Road which is totally out of context in the locality, along with extensions with steeply pitched dormers and extensions with the appearance of a pend, which have all been considered acceptable by Aberdeen City Council. It is therefore contended that the proposed dwellinghouse is not out of context in relation to the wider area and has no detrimental impact in the street scene.

- 8.6 It is not accepted that there would be a significant impact on the residential amenity of the neighbouring properties in terms of daylight impacts. During the vast majority of times, the proposed dwelling does not cause overshadowing to these properties. Any impact that does exist in March and October is not considered to be significant, or unusual for a residential area in Aberdeen, or any more significant that impacts on the Appeal site from neighbouring properties that currently exists. The neighbouring properties have no objection to the proposals and it is therefore not accepted that there is a significant impact on residential amenity that would require the refusal of this application.
- 8.7 Aberdeen City Council previously considered that the principle of the house is acceptable and it is therefore unreasonable to raise issues related to brownfield development, climate mitigation and zero waste policies, especially when no further information in respect of these issues was requested during the application process. The current house is not environmentally friendly, with no insulation and the Report of Handling also noted that the proposed dwelling included energy efficient measures and the re-use of granite was acceptable. As far as practicable, the proposal has complied with the aim of NPF4 in relation to the climate crisis. It is therefore not accepted that **NPF4 Policy 1, 2, 9 and 12** are valid reasons for refusal and should be discounted.
- 8.8 In view of the foregoing, the proposal is deemed to comply with all relevant aspects of the Development Plan and there are no other material considerations which warrant the refusal of the application. It is therefore respectfully requested that the Local Review Body support this application and grant Full Planning Permission for a new dwellinghouse at 8 Woodburn Gardens.

EDINBURGH

7 Exchange Crescent
Conference Square
EH3 8AN
0131 225 6612

GLASGOW

ONYX, 215 Bothwell Street
G2 7EZ
0141 204 3838

ABERDEEN

The Capitol, 431 Union Street
AB11 6DA
01224 588866

LEEDS

3rd Floor Carlton Tower
34 St Pauls Street
LS1 2QB
0113 243 6777

LONDON

4th Floor Langham House
302-308 Regent Street
W1B 3AT
020 7436 1212

MANCHESTER

2nd Floor
28 King Street
M2 6AY
0161 249 9778

Ryden

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Your Ref: PLDA332627646
Our Ref: 210636/PREAPP
Contact: Ross McMahon
Location: Ground Floor North

Date: 15 June 2021

MAC Architects
Jonathan Cheyne
24 Oldmeldrum Road
Newmachar
Aberdeenshire
AB21 0PJ

Dear Sir/Madam

**Pre-application response
210636/PREAPP – Proposed replacement of an existing detached
dwellinghouse at 8 Woodburn Gardens, Aberdeen**

This is a formal written response to the above pre-application enquiry by the allocated case officer. It does not affect any future decision made by Aberdeen City Council and its Committees, and this advice is not legally binding on the determination of any forthcoming planning application.

The information provided in this response may be subjected to a Freedom of Information Request under the Freedom of Information (Scotland) Act 2002. It will be for Aberdeen City Council to determine what, if any, information will be or not be exempt from such a request, in accordance with this legislation.

Site Context

The application site is located within an established residential area and comprises a one-and-a-half-storey detached dwellinghouse of granite construction and its front, side and rear curtilage. The site sits to the north of Woodburn Gardens, characterised by granite faced dwellings with hipped and pitched roofs, chimney stacks and large rear gardens. The site appears to slope upwards from the south-west to north-east. To the south of Woodburn Gardens lies an area of open space and Walker Dam, designated as Green Space Network and a Local Nature Conservation Site (Walker Dam and Rubislaw Link). The site is located within a 'Residential Area' as identified on the Aberdeen Local Development Plan Proposals Map.

Relevant Planning Policies / Considerations

Aberdeen Local Development Plan 2017 (ALDP)

- Policy H1 – Residential Areas

- Policy NE5 – Trees and Woodlands
- Policy NE6 – Flooding, Drainage and Water Quality
- Policy NE8 – Natural Heritage
- Policy D1 – Quality Placemaking by Design
- Policy D2 – Landscape
- Policy D5 – Our Granite Heritage
- Policy T2 – Managing the Transport Impact of Development
- Policy R6 – Waste Management Requirements for New Developments
- Policy R7 – Low and Zero Carbon Buildings and Water Efficiency

LDP policies can be found [online](#).

Proposed Aberdeen Local Development Plan 2020 (PALDP)

- Policy H1 – Residential Areas
- Policy NE3 – Our Natural Heritage
- Policy NE4 – Our Water Environment
- Policy NE5 – Trees and Woodlands
- Policy D1 – Quality Placemaking
- Policy D2 – Amenity
- Policy D5 – Landscape Design
- Policy D7 – Our Granite Heritage
- Policy T3 – Parking
- Policy R5 – Waste Management Requirements for New Developments
- Policy R6 – Low and Zero Carbon Buildings and Water Efficiency

Proposed LDP policies can be found [online](#).

Supplementary Guidance (SG)

- Landscape
- Householder Development Guide
- The Sub-division and Redevelopment of Residential Curtilages
- Transport and Accessibility
- Natural Heritage
- Trees and Woodlands
- Flooding, Drainage and Water Quality
- Resources for New Development

SG documents can be found [online](#).

Development Plan Context / Principle

The application site lies within a residential area which is reflected in its ALDP zoning. Within residential areas, the principle of further residential development is accepted providing those criteria set out in Policy H1 (Residential Areas) can be satisfied. The question of whether the proposal represents ‘overdevelopment’ for the purposes of assessment against Policy H1 is discussed in the ‘Design, Density and Pattern of Development’ section, below. Policy H1 also requires that new development does not result in an unacceptable impact on the character or amenity of the surrounding area, with such matters discussed under the ‘Residential and Occupier Amenity’ section of the report. The nature of the proposal and site is such that it would not result in the loss of open space. Furthermore, it is also requirement

of Policy H1 that relevant proposals comply with all relevant Council SG.

Appraisal

Design, density and pattern of development

The location and size of new dwellings must be in keeping with the established spatial character and built form of the surrounding area. The following principles, as set out in the Council's SG document '*The Sub-division and Redevelopment of Residential Curtilages*', are relevant:

- *New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces;*
- *The scale and massing of the any new dwellings should complement the scale of surrounding properties;*
- *The density of the surrounding area should be reflected in the development proposals for the new and existing property. As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon;*
- *New dwellings should generally not project forward of any established building line;*
- *The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street; and,*
- *The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.*

The proposal raises a number of concerns in respect of the above. The dwelling is grossly oversized relative to surrounding property and fails to respect the established pattern of development both in terms of its footprint and elevational treatment, particularly in terms of its massing and scale. The footprint of the dwelling is significant and substantially larger than the majority of properties found to this section of Woodburn Gardens. Notwithstanding, the footprint proposed may be considered acceptable on the basis that a sufficient amount of garden ground would be retained, no more than approximately 33% of the garden would be built upon and provided that it can be demonstrated that there would be no undue impact upon neighbours in terms of overlooking, overshadowing or loss of light (see 'Residential and occupier amenity' section, below).

Notwithstanding, the Planning Authority has concerns over the street facing elevational treatment and massing of the dwelling and how this relates to adjacent properties specifically and the wider streetscape generally. Woodburn Gardens is characterised by modest one-and-a-half-storey properties with pitched and/or gable roofs; almost all properties are uniformly spaced and equally separated by modest driveways and small, lean-to, single-storey garages. The proposed dwelling fails to fit comfortably between adjacent properties to the east and west by virtue of its large, expansive gable roof which extends across the entire width of the site; this is further exacerbated by the curved arrangement of properties found to this corner of Woodburn Gardens. The dwelling roof would sit uncomfortably close to 6 Woodburn

Gardens, to the detriment of the streetscape and its prevalent characteristics noted above. Furthermore, the proposed ridge would sit far higher than that of adjacent properties, contrary to the aforementioned SG. The scale and number dormers proposed to the front elevation, whilst not necessarily of poor design in their own right, would be out of place within the wider street scene. Partly on the basis of the extent of their projection from the roof, and the steep pitch/tall ridge height.

Furthermore, the scale and massing to the east and west elevations of the dwelling, including the rear projection/wing, raises a number of concerns in respect of design and in terms of residential amenity. The eaves height of the rear projection sits uncomfortably high above that of the dwelling's main body, relating poorly to its overall form and in terms of how both elements are read as one. It is anticipated that the east facing gable would be particularly overbearing and would cast a large shadow over sections of the garden ground associated with 6 Woodburn Gardens throughout long periods of the day.

The following recommendations may go some way in addressing the above concerns:

- Remove the pent and upper floor accommodation on the dwelling's eastern side. This will result in a property width (and spacing) akin to that predominating within the street and will likely alleviate concerns in respect of overshadowing to adjacent property.
- Reduce the overall ridge height of the property to no higher than the existing dwelling, or to that of 6 or 10 Woodburn Gardens, whichever is the greater.
- Reduce the ridge height and overall projection of the remaining, larger, dormers. The position/location of the balcony elements can remain; however, the face of the dormers should be brought back in line with the balcony doors. This will reduce their scale and impact within the street scene.
- Reduce the eaves level of the rear projection/wing – the reduction doesn't necessarily need to match that of the main body of the house; however, the discrepancy in height should be reduced by no less than 50%.

All proposed materials are considered to be compatible with the surrounding area. Policy D5 (Our Granite Heritage) requires that any granite doughtings be re-used in the development, and this should be detailed in any forthcoming planning application. The aforementioned SG states that in areas where granite architecture predominates, all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). The proposal appears to comply in this respect.

Residential and occupier amenity

As a general principle, new residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting. Likewise, the new dwelling should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area. Rear gardens of dwellings of up to two storeys should have an average length of at least 9 metres and should have an acceptable level of privacy and amenity.

In terms of privacy, all proposed habitable room windows, with the exception of the ground floor office/study, are either facing north into the expansive private rear garden of the site, to the south over Woodburn Gardens or are high level horizontal

windows or rooflights. What is unclear from the submission is the extent of existing/proposed screening to the east and west boundaries of the site. Sufficient screening will be required to address any apparent overlooking issues resulting from the proposed ground floor office/study and external staircases. Further, it is unclear whether the existing site levels are to be raised at the rear of the site, at first floor level (no existing sections have been submitted). A further assessment would be undertaken at the application stage on receipt of a topographical survey, existing and proposed site sections and photographs to determine the extent/location of any required screening/mitigation.

Daylight and sunlight calculations should be provided with any application to demonstrate that the replacement dwelling would ensure that existing property would be afforded adequate levels, with no undue impact over and above that already experienced. It is considered that the proposed dwelling/occupants would benefit from a sufficient degree of daylight and sunlight to all proposed windows.

Private amenity space/garden ground located to the rear of the proposed dwelling would have a resultant depth ranging from c.12-25m in length from the rearmost point of the rear elevation. This space would not be directly overlooked by surrounding residential property nor would it not be subject to a significant degree of overshadowing despite its north orientation relative to the proposed dwelling. Accordingly, it is considered that the proposed dwelling would be afforded a garden ground of a sufficient size and quality, in accordance with the relevant sections of the Council's SG document *'The Sub-division and Redevelopment of Residential Curtilages'* SG and *'Landscape'*, and therefore elements of Policy H1 and D2.

Access and parking

The Council's Roads Development Management team notes that the site lies within the 'outer city' zone, and not within any controlled area of parking. Based on the proposed number of bedrooms, there is a requirement for a minimum of three off-street parking spaces as per the Council's SG. This requirement is satisfied via the proposed driveway and triple garage, the dimensions of which are acceptable. The driveway extents would appear to take access via existing footway crossing and not require any alterations however be confirmed as part of any formal application. On the basis of the above, the proposal is considered to be compliant with Policy T2 (Managing the transport Impact of Development) and the associated SG document *'Transport and Accessibility'*.

Tree impact & landscaping

A number of trees appear to be located within and adjacent to the application site. The proposal would require the site to be levelled/ raised and/ or cleared to allow for the construction of suitable base, foundations, SUDS system(s) etc. associated with the proposed dwelling, in addition to concrete footings/boundary enclosures etc. It is considered that proposal may be wholly or partially located within the 'root protection areas' (RPA) of a number of trees, and that lowering/raising of ground levels and incursion by way of foundations systems may result in significant impacts to their root systems and thus their viability in the long term, contrary to Policy NE5 (Trees and Woodlands). As such, it is recommended that any proposals are located outwith any established RPAs, taking account any future growth. A tree survey, arboricultural impact assessment and tree protection plan would be required to accompany a planning application, in accordance with the Council's SG document: *'Trees and Woodlands'*, within which further information and guidance can be found.

Further to the above, a suitable landscaping scheme should accompany an application for planning permission, taking into consideration the existing trees on site, topography and any proposed/replacement planting, in accordance with the Council's SG: *'Landscape'*.

Protected species

The application site and surrounding area is associated with bat habitat/activity. Accordingly, a bat survey is required for both the demolition of the existing dwelling building (a preliminary roost assessment may suffice) and any trees within or outwith the site that would be impacted by the development. These will include those identified for felling or lopping/pruning/clipping etc. This information is fundamental to the proper assessment of any application, to satisfy the relevant Policy NE8 (Natural Heritage), and cannot be conditioned as part of any grant of approval. Further information can be found within the Council's SG document: *'Natural Heritage'*.

Drainage

Surface water from the replacement dwelling and any areas of hard surface would require to be dealt with via a suitable SUDS scheme in accordance with Policy NE6 (Flooding, Drainage and Water Quality) and the associated SG document: *'Flooding, Drainage and Water Quality'*. Such information should accompany any planning application.

Waste management

Any future proposed layout should demonstrate adequate provision for residual, recyclable and compostable waste storage, in compliance with Policy R6 (Waste Management Requirements for New Development) and associated SG: *'Resources for New Development'* of the ALDP.

Low & zero carbon buildings and water efficiency

Policy R7 (Low and Zero Carbon Buildings and Water Efficiency) requires that all new buildings must meet at least 20% of the building regulations carbon dioxide emissions reduction target applicable at the time of the application through the installation of low and zero carbon generating technology. In addition, all new buildings are required to use water saving technologies and techniques. Compliance with this requirement should be demonstrated by the submission of a statement as required in SG: *'Resources for New Development'*.

Conclusion

The proposed dwelling is acceptable in principle; however, a number of significant design, scale and massing issues are required to be explored and addressed in compliance with elements of Policy H1, D1 and SG document *'The Sub-division and Redevelopment of Residential Curtilages'*. As it currently stands, the Planning Authority cannot support the proposal for the aforementioned reasons. We recommend that further options are explored at pre-application stage prior to the submission of a formal application.

Supporting documents required

Without prejudice to the planning authority's ability to request further information at the time of an application, it is anticipated that the following documents would be required to support any application –

- Location plan
- Topographical survey/plan
- Site plans (existing and proposed)
- Floor plans (existing and proposed)
- Elevations (existing and proposed)
- Site sections (existing and proposed)
- Scheme of landscaping
- Tree survey, AIA and tree protection plan
- Bat survey (Preliminary Roost Assessment may be sufficient)
- Daylight and sunlight calculations
- Site photographs

Yours faithfully

Ross McMahon
Planner

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From: Jonathan Cheyne <jcheyne@mac-architects.co.uk>

Sent: 17 August 2021 02:59

To: Ross McMahon

Cc: Brian Sinclair

Euan McHardy

Subject: 210636PREAPP - Existing Photos & Comments

Good Morning Ross

Thanks again for your initial comments regarding the pre-app of a replacement dwellinghouse at [8 Woodburn Gardens, Aberdeen, AB15 8JA](#).

As discussed we felt to assist in your further assessment that a comprehensive photographic survey of the existing dwellinghouse site and the streetscape typology is prepared and this is attached for your reference.

In addition to the above we have summarised your initial pre-app comments into the following bullet points:

- the dwellinghouse is too large in respect to the surrounding properties
- the elevational treatment fails to respect the established pattern of development
- the dwellinghouse sits too close to [6 woodburn gardens](#)
- the proposed ridge of the dwellinghouse is too high
- the proposed dormers are out of place in relative to the street
- the scale and massing of the rear element is too big in reference to the main dwelling

In respect of the above we have the following initial responses:

1. The plot density is 20.5% which is far less than the maximum permitted 33%
2. The existing dwellinghouse is a straight gabled typology and as such this isn't changing. We ask, what the feedback would be if a 1.5 storey gable end extension was applied for provided we met all requirements of the householder development guide as this is essentially the similar approach in a new build context. As a compromise. We could hip both gables slightly to lessen the impact
3. Through adjustment on the site we should manage to move the dwellinghouse slightly to the west
4. We are awaiting an updated topographical survey of the neighbouring dwelling houses to confirm the ridge heights and we will then revert with an update to the roof height if required
5. We can reduce the roof pitch however if possible with this compromise would like to retain the overhangs as we note a dwelling two doors down to the East has a full gable projection
6. Due to the topography of the site this is in most part built into the ground and only a single storey extension is visible from garden level.

We look forward to receiving your updated comments in due course.

Kind Regards

Jonathan Cheyne

MArch BSc (Hons) Architecture ARB ARIAS

DIRECTOR

MAC Architects

Mr Ross McMahon
Aberdeen City Council
Development Management
Strategic Place Planning
Marischal College
Ground Floor North
Aberdeen
AB10 1AB

EXISTING SITE PHOTOS

Tuesday 17th August 2021

PROJECT: 210636/PREAPP - Replacement Dwellinghouse

Dear Ross,

Please see below photographs of the existing site and dwellinghouse to assist in your pre-app assessment for the replacement dwellinghouse at 8 Woodburn Gardens, Aberdeen,

We hope this provides a sufficient level of information at present, however if you have any queries or wish to discuss further then please do not hesitate to contact us.

Yours sincerely,



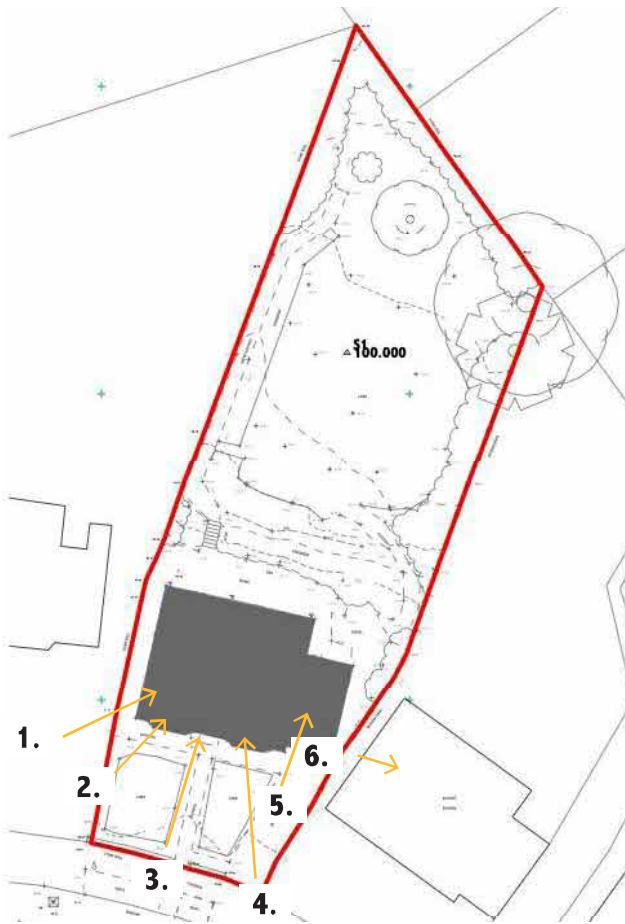
For and on behalf of **MAC Architects**



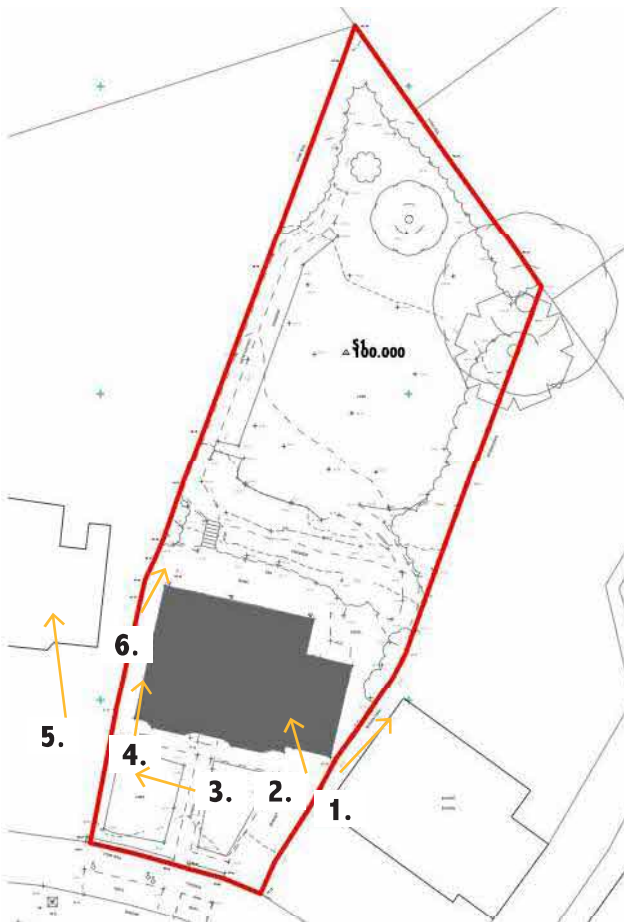




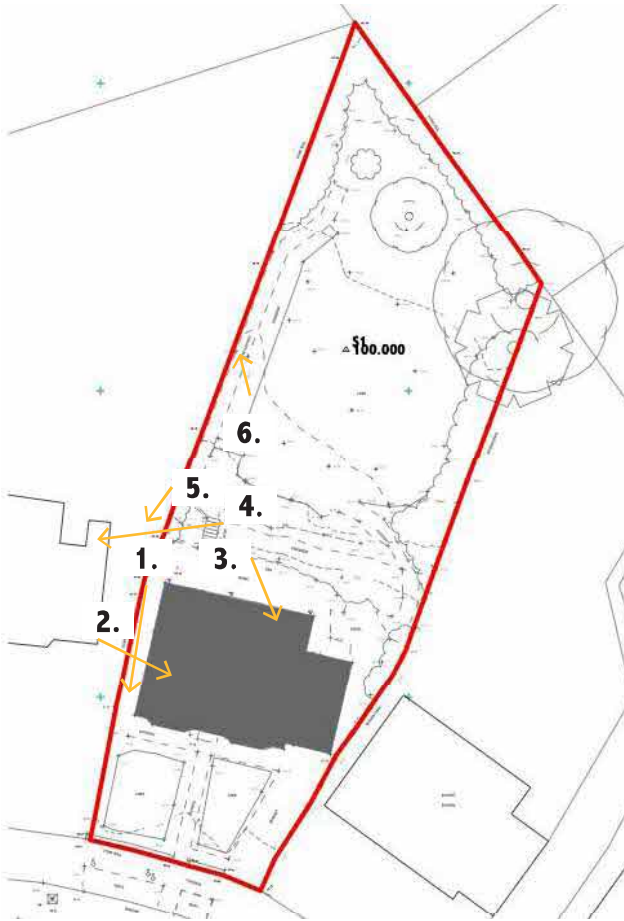
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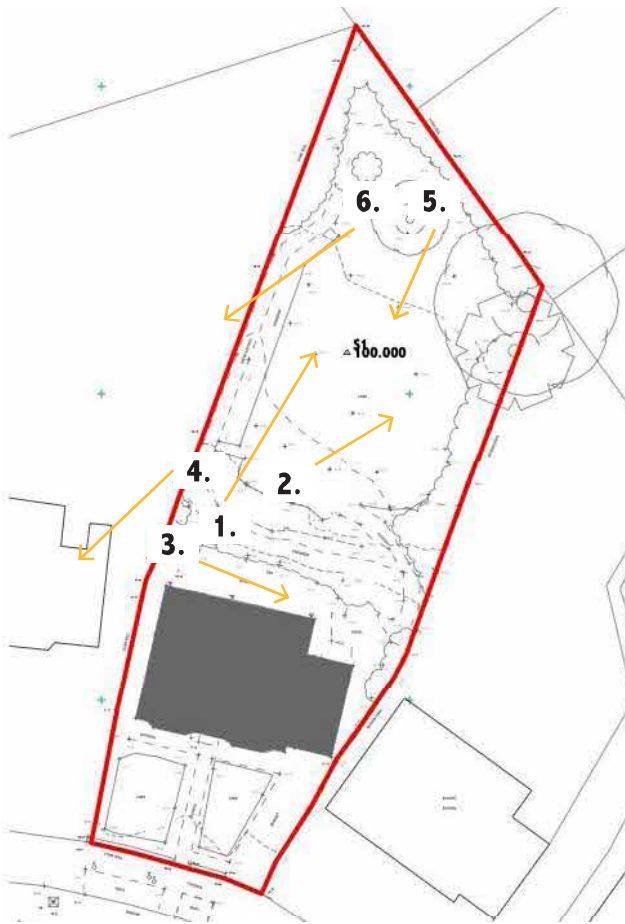
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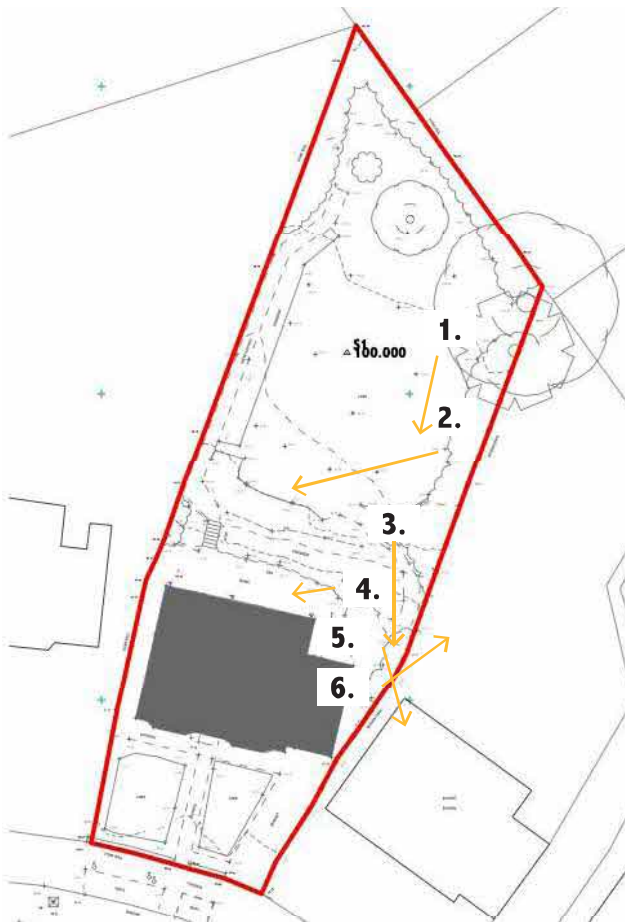
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EXISTING DWELLING AND PLOT



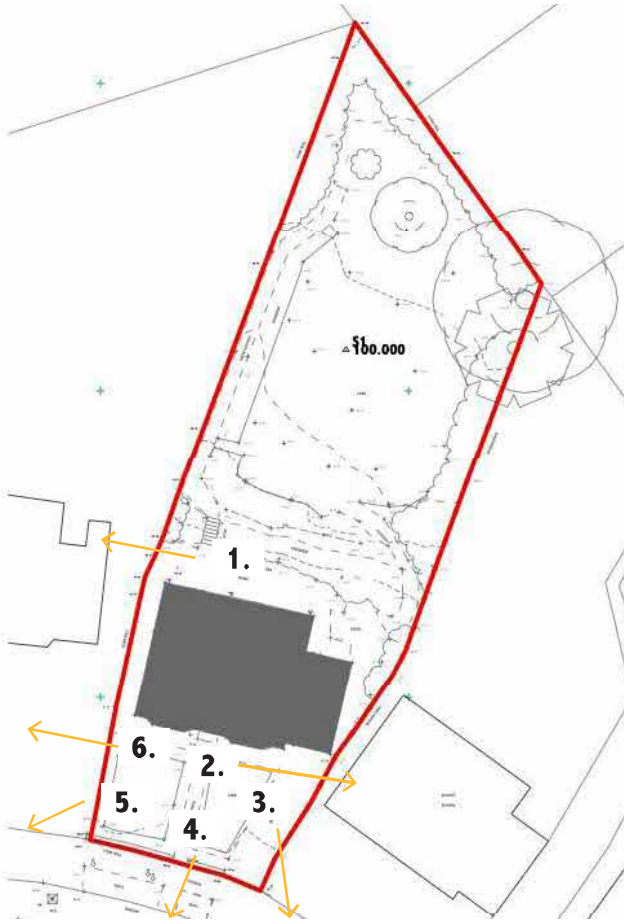
EXISTING DWELLING AND PLOT



EXISTING DWELLING AND PLOT



EXISTING DWELLING AND PLOT



On 23 Aug 2021, at 17:24, Ross McMahon <RMcMahon@aberdeencity.gov.uk> wrote:

Hi Jonathan,

I refer to your email correspondence dated 17th August in connection with 210636/PREAPP. Please find our response to your comments, below.

'The dwellinghouse is too large in respect to the surrounding properties - the plot density is 20.5% which is far less than the maximum permitted 33%.'

Noted. Our initial pre-app response conceded the proposed footprint, provided it can be demonstrated that there would be no adverse impact upon adjacent neighbours in respect of loss of light, overshadowing and overlooking. Separately, the dwelling is 'too large' relative to surrounding properties in terms of its principal elevation – width, spacing within the site, ridge height etc. as previously noted.

'The elevational treatment fails to respect the established pattern of development – the existing dwellinghouse is a straight gabled typology and as such this isn't changing. We ask, what the feedback would be if a 1.5 storey gable end extension was applied for provided we met all requirements of the householder development guide as this is essentially the similar approach in a new build context. As a compromise We could hip both gables slightly to lessen the impact.'

The typology may not be changing, however the extent, size and scale, including the spacing between dwellings, which is well established within the street, would be. Such elements, in part, make up the established pattern of development; such elements are not respected by the proposal as submitted. The Householder Development Guide is geared more toward the extension/alteration of existing dwellings, not new dwellings. In any case, the guide, in discussing gable roof alterations, states that '...such a proposal would not, as a result of the existing streetscape and character of the buildings therein, result in any adverse impact on the character or visual amenity of the wider area'. Notwithstanding, the principal concern in this case is not the use of a gable roof per se, as noted there are examples of gable roofs within the vicinity and the existing property has a gable roof; the principal issues are noted above, i.e., overall width, spacing, size and scale of the principal elevation etc. Moderate/half hips will not address the above noted issues.

'The dwellinghouse sits too close to [6 woodburn gardens](#) – through adjustment on the site we should manage to move the dwelling house slightly to the west.'

Noted. However, a minor positioning adjustment would not in itself alleviate the above noted concerns.

'The proposed ridge of the dwellinghouse is too high – we are awaiting an updated topographical survey of the neighbouring dwelling houses to confirm the ridge heights and we will then revert with an update to the roof height if required.'

Noted.

'The proposed dormers are out of place in relative to the street – we can reduce the roof pitch however if possible with this compromise would like to retain the overhangs as we note a dwelling two doors down to the East has a full gable projection.'

16/08/2022, 12:21 Ryden Mail - Fwd: 210636PREAPP - Existing Photos & Comments

<https://mail.google.com/mail/u/0/?ik=47704dae13&view=pt&search=all&permmsgid=msg-f%3A1740935632154311549&simpl=msg-f%3A174093...> 3/5

The presence of a large gable doesn't satisfactorily tackle with this issue, which relates to the formation of dormers and their characteristics within the immediate context. The dormers are considered to be excessive in terms of their number (3), scale and prominence. There is nothing similar within the street that we are aware of that justifies such characteristics. We consider our previous suggestion to be an adequate compromise... *'Reduce the ridge height and overall projection of the remaining, larger, dormers. The position/location of the balcony elements can remain; however, the face of the dormers should be brought back in line with the balcony doors. This will reduce their scale and impact within the street scene'*. There may be another design solution to tackle the above issue, and we are happy to consider alternative proposals.

'The scale and massing of the rear element is too big in reference to the main dwelling – due to the topography of the site this is in most part built into the ground and only a single storey extension is visible from garden level.'

The issue in this regard is the mismatching eaves levels between the front element and rear projection. We are seeking that the discrepancy be addressed to some degree.

In light of the above, our position remains unchanged. The proposed dwelling is acceptable in principle; however, a number of significant design, scale and massing issues are required to be explored and addressed in compliance with elements of Policy H1, D1 and SG document *'The Sub-division and Redevelopment of Residential Curtilages'*. As it currently stands, the Planning Authority cannot support the proposal for the aforementioned reasons.

Please do not hesitate to contact me should you wish to discuss.

Kind regards,

Ross

Ross McMahon | Planner

Aberdeen City Council | Development Management | Strategic Place Planning | Place

Marischal College | Ground Floor North | Aberdeen | AB10 1AB

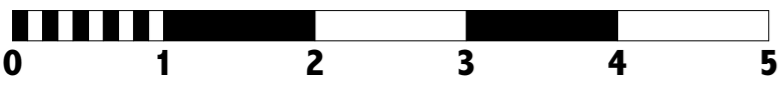
Direct Dial: 01224 522362

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

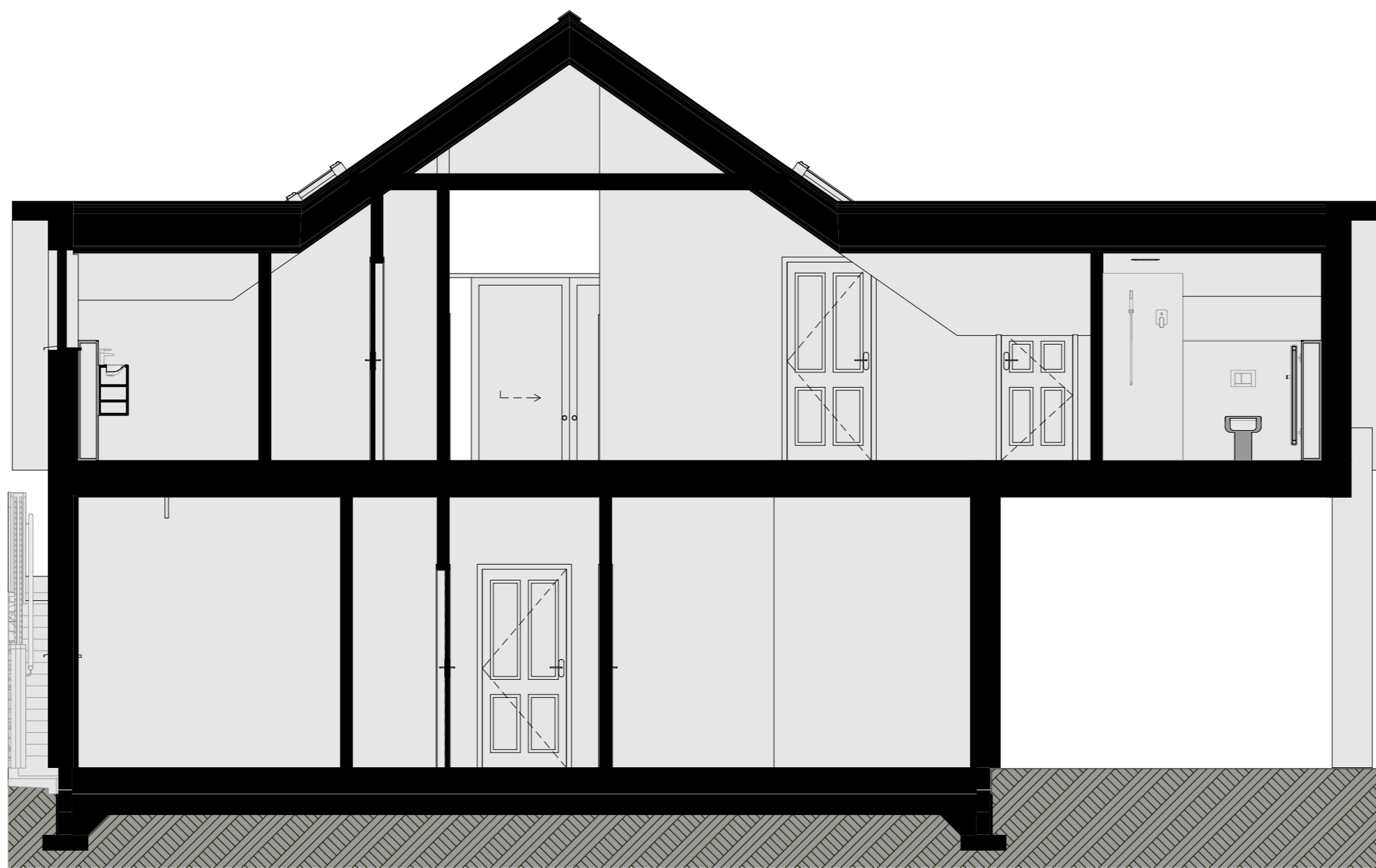
Please note that I work the following hours - 14:30pm - 10:15pm. I will endeavour to respond to any voicemail messages left out with these hours no later than the following working day.



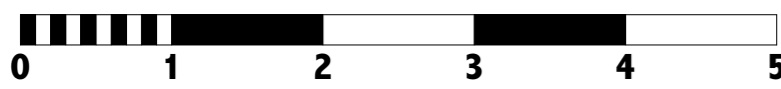
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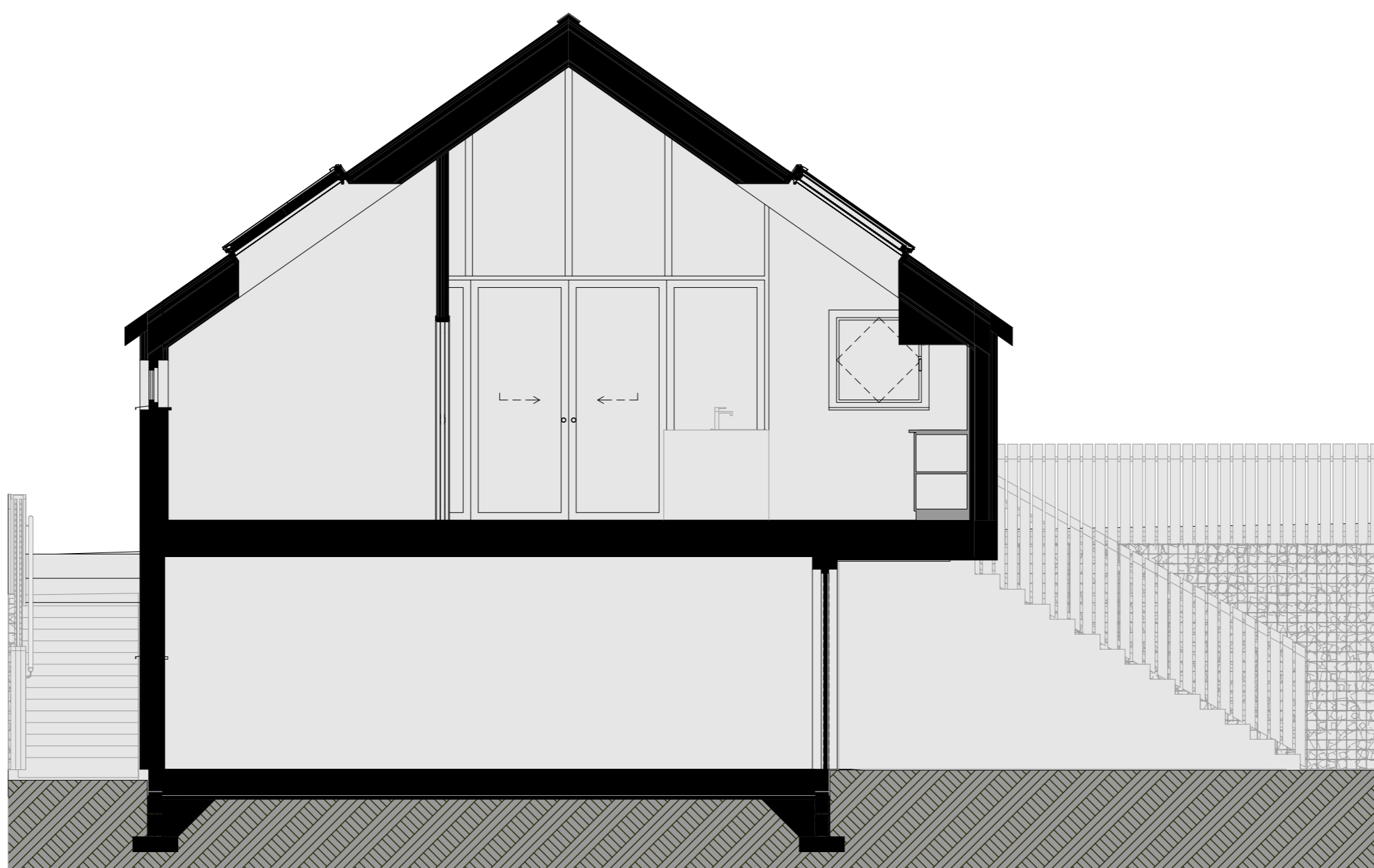
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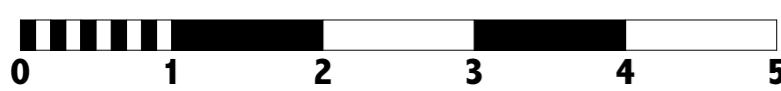
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NOTES

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SITE AREA OUTLINED IN RED. 803.15m²

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F	JC	EM	BM	29.11.2021	RIDGE HEIGHTS UPDATED TO MATCH NEIGHBOURING DWELLING

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title
PROPOSED SECTIONS 7 to 9

FEASIBILITY STUDY

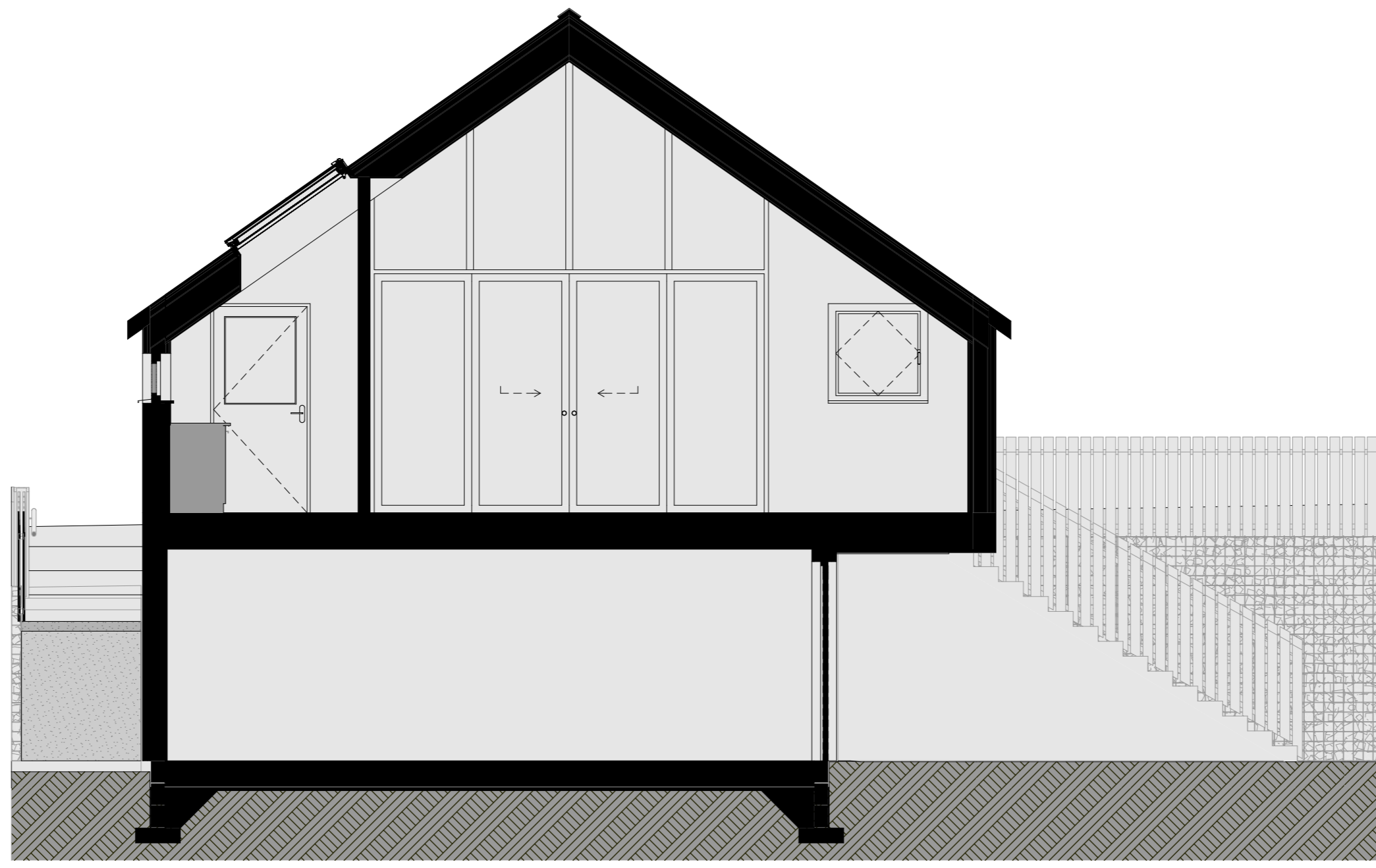
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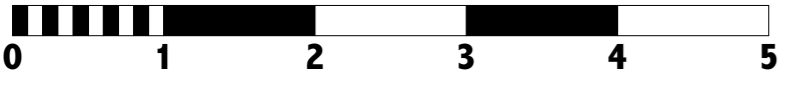
24 Oldmeldrum Road
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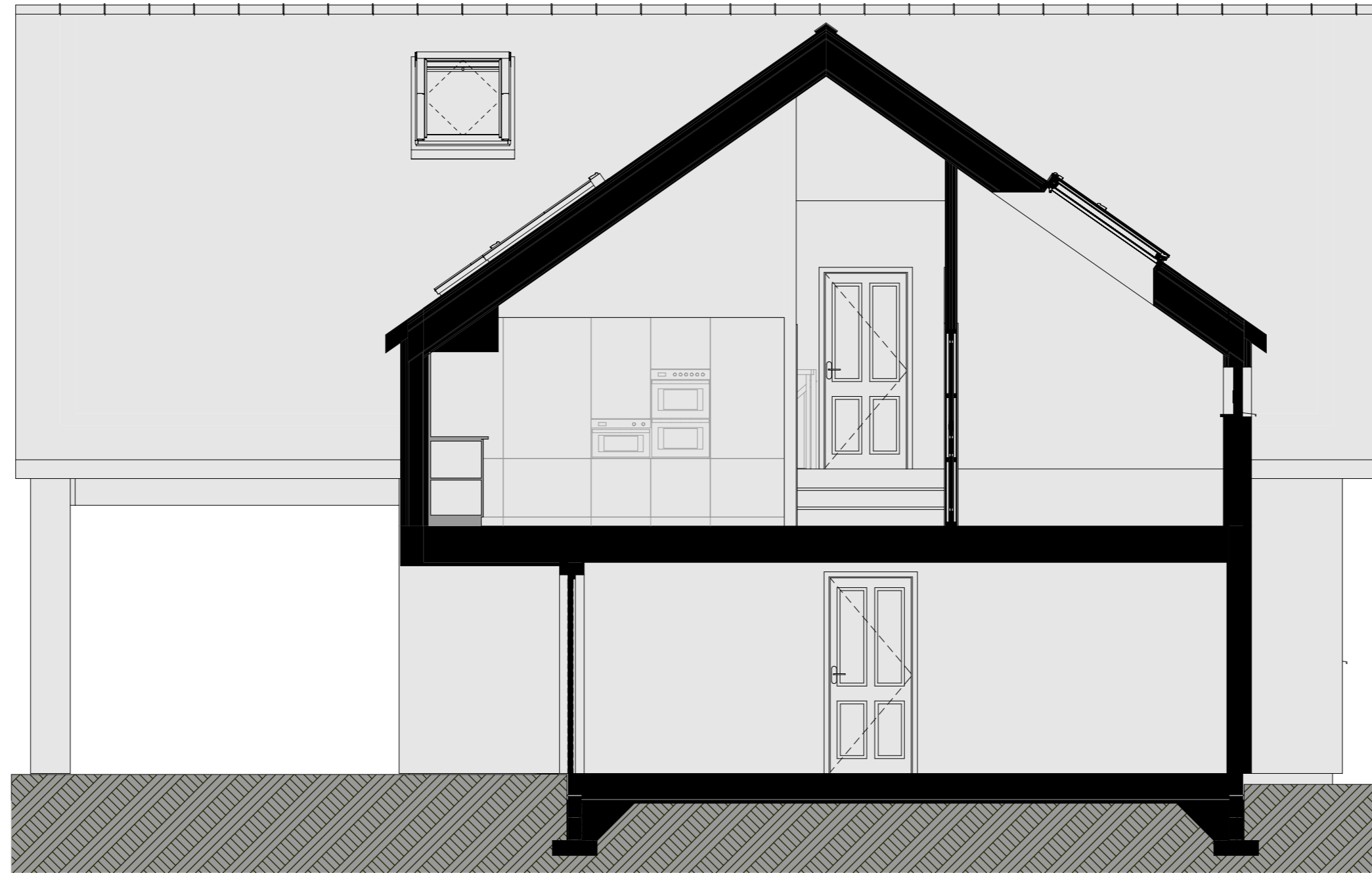
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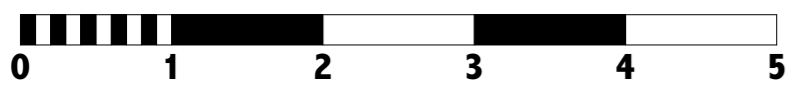
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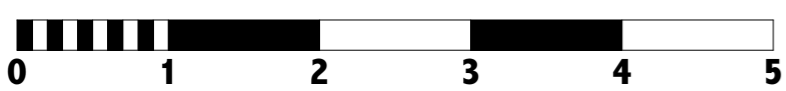
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REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title

PROPOSED SECTIONS 10 to 12

Issue Status

FEASIBILITY STUDY

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AS NOTED	13.04.2020	JC	EM	BM	453	453 (FS)009	F



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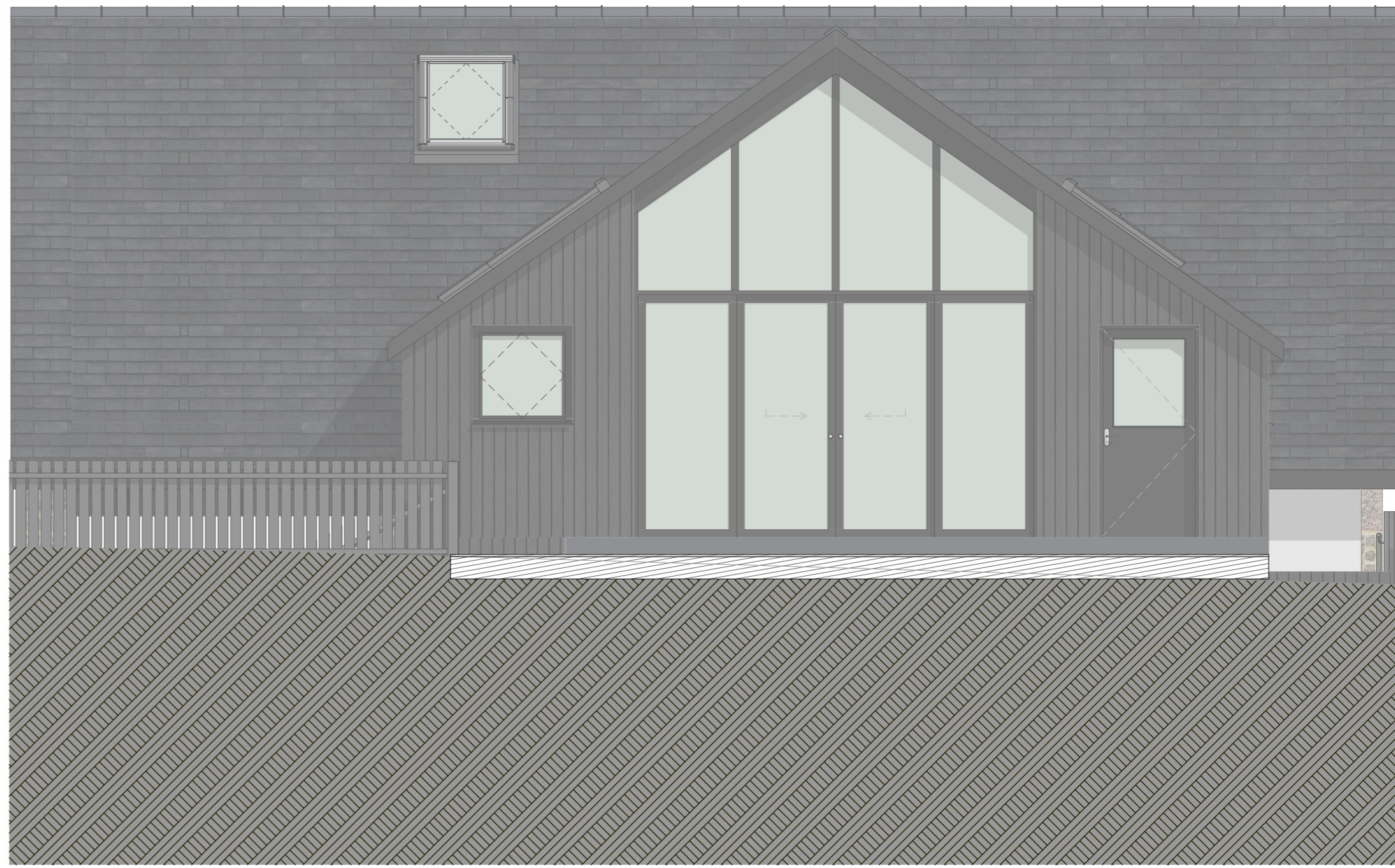
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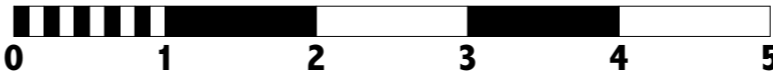
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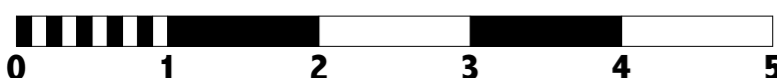
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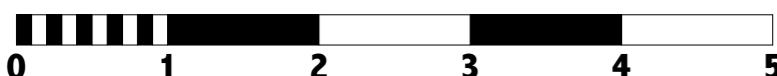
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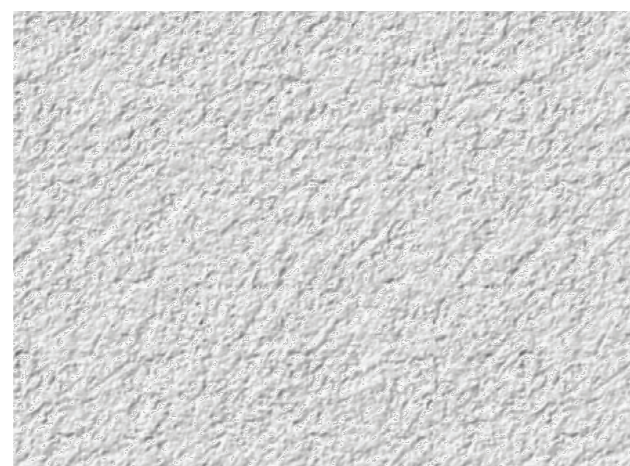
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MATERIALS



COURSED GRANITE



WHITE K-REND



DARK GREY CEDRAL CLADDING



CUPA H3 HEAVY SLATE ROOF

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G	JC	EM	BM	12.01.2022	DORMER ROOF PITCH REDUCED

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title

PROPOSED ELEVATIONS

Issue Status

FEASIBILITY STUDY

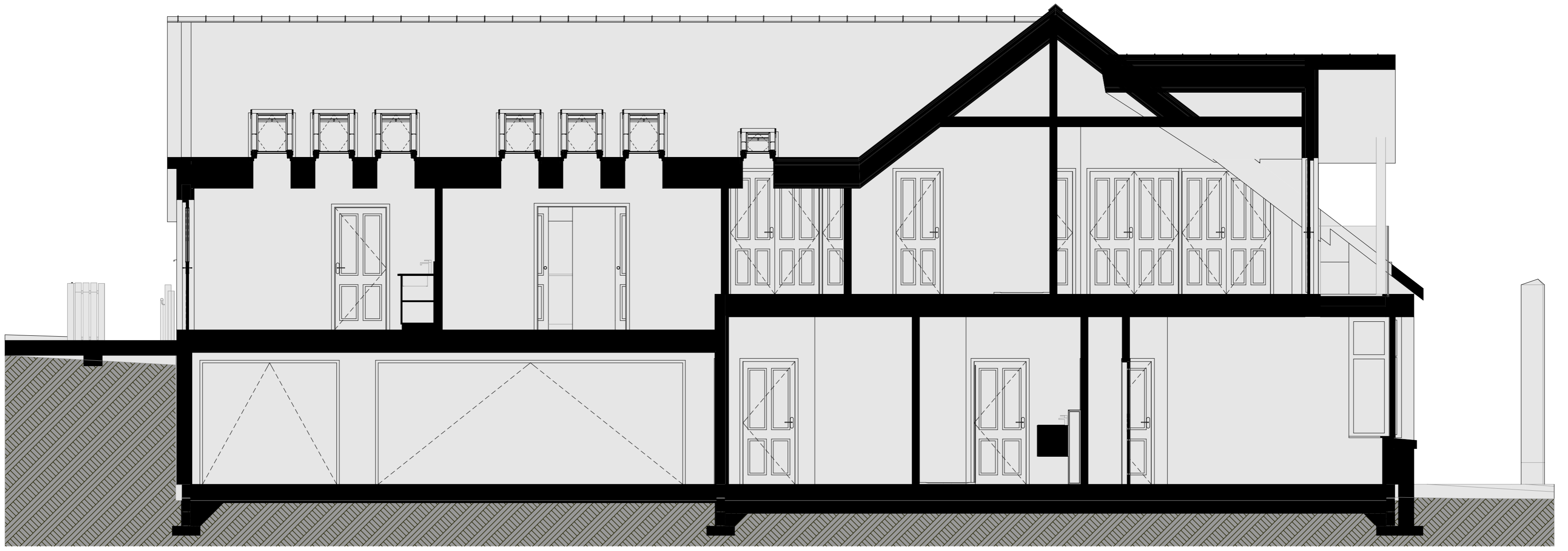
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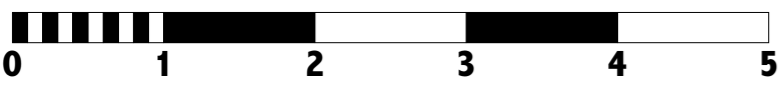
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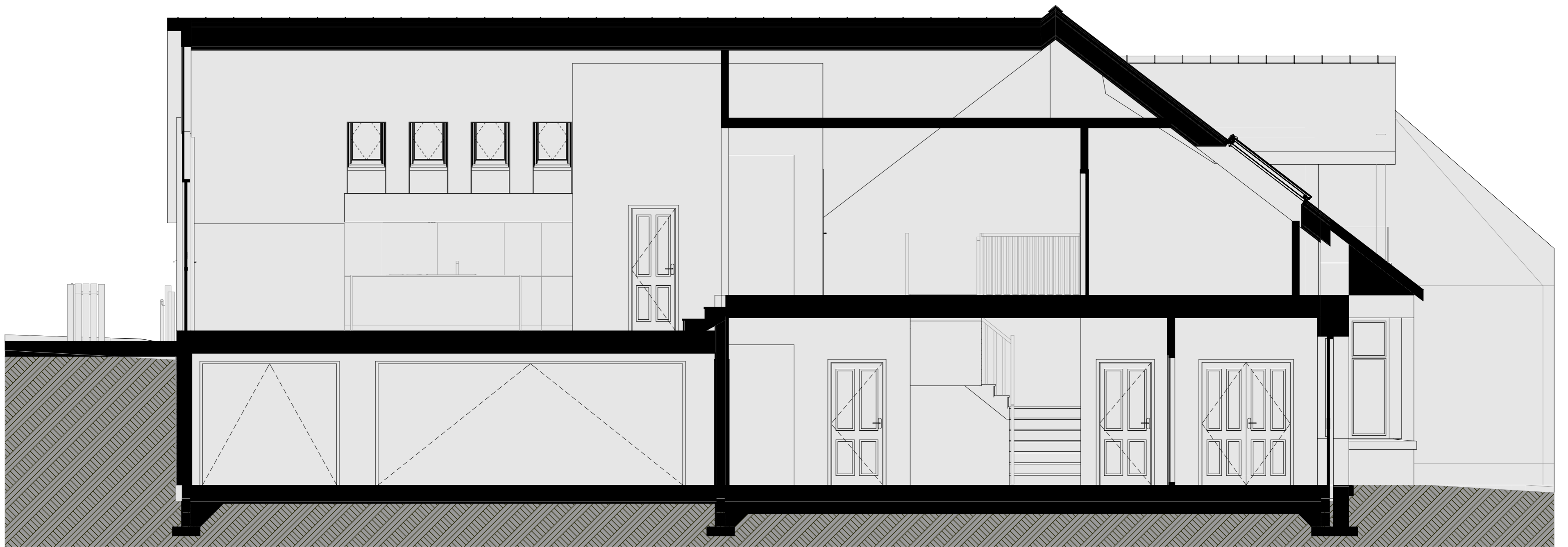
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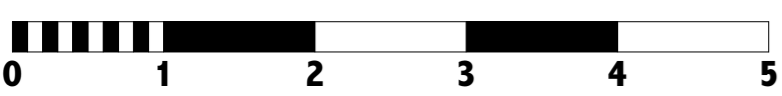
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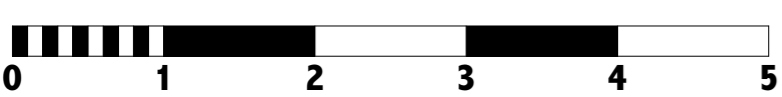
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G	JC	EM	BM	12.01.2022	DORMER ROOF PITCH REDUCED

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title
PROPOSED SECTIONS 1 to 3

Issue Status
FEASIBILITY STUDY

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.	Rev.
AS NOTED	13.04.2020	JC	EM	BM	453	453(FS)006	6

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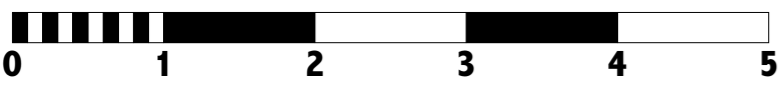
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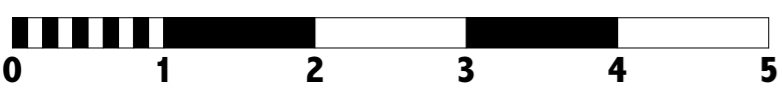
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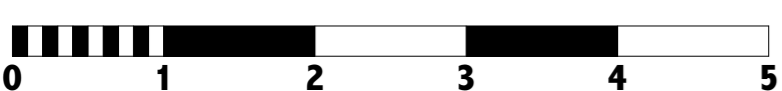
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REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title

PROPOSED SECTIONS 4 to 6

Issue Status

FEASIBILITY STUDY

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.	Rev.
AS NOTED	13.04.2020	JC	EM	BM	453	453 (FS)007	6

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G	JC	EM	BM	12.01.2022	DORMER ROOF PITCH REDUCED

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
Aberdeen,
AB15 8JA

Drawing Title
3D VIEWS 1 OF 3

Issue Status
FEASIBILITY STUDY

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.	Rev.
AS NOTED	13.04.2020	JC	EM	BM	453	453 (FS)011	6

MAC
architects

24 Oldmeldrum Road
Newmachar
Aberdeen
AB21 0PJ

01651 862688
info@mac-architects.co.uk
www.mac-architects.co.uk

MAC Architects Limited



- NOTES**
1. Do not scale off this drawing.
 2. All dimensions are in millimetres unless otherwise stated.
 3. This drawing to be read in conjunction with all relevant MAC Architects, civil/structural, and services engineer's drawings and specifications.
 4. Contractor to check all dimensions on site prior to commencement of works on site and any discrepancies to be notified to MAC Architects / Client.

SITE AREA OUTLINED IN RED. 803.15m²

Rev.	Drn.	Chk.	App.	Date	Description
A	JC	EM	BM	22.07.2020	UPDATED AS PER CLIENT DESIGN MEETING
B	JC	EM	BM	28.08.2020	UPDATED AS PER CLIENT DESIGN MEETING
C	JC	EM	BM	19.03.2021	UPDATED AS PER CLIENT DESIGN MEETING
D	JC	EM	BM	23.04.2021	UPDATED AS PER CLIENT DESIGN MEETING
E	JC	EM	BM	07.05.2021	UPDATED AS PER CLIENT DESIGN MEETING
F	JC	EM	BM	29.11.2021	RIDGE HEIGHTS UPDATED TO MATCH NEIGHBOURING DWELLING
G	JC	EM	BM	12.01.2022	DORMER ROOF PITCH REDUCED

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
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AB15 8JA

Drawing Title
3D VIEWS 2 OF 3

Issue Status
FEASIBILITY STUDY

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AS NOTED	13.04.2020	JC	EM	BM	453	453 (FS) 012	6

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SITE AREA OUTLINED IN RED. 803.15m²

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REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
8 Woodburn Gardens,
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Drawing Title

3D VIEWS 3 OF 3

Issue Status

FEASIBILITY STUDY

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.	Rev.
AS NOTED	13.04.2020	JC	EM	BM	453	453 (FS) 013	F

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architects

24 Oldmeldrum Road
Newmachar
Aberdeen
AB21 0PJ

01651 862688
info@mac-architects.co.uk
www.mac-architects.co.uk

MAC Architects Limited

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Claire Coutts <claire.coutts@ryden.co.uk>

Fwd: 231043/DPP

Jonathan Cheyne <jcheyne@mac-architects.co.uk>
To: Claire Coutts <claire.coutts@ryden.co.uk>

31 October 2023 at 10:27

Morning Claire

Please see below from planning for 8 Woodburn Gardens.

Are you free for a quick call today to discuss further prior to issuing to the client?

Kind Regards

JONATHAN CHEYNE

MArch BSc (Hons) Architecture ARB ARIAS
MANAGING DIRECTOR

MAC ARCHITECTS

Begin forwarded message:

From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>
Subject: 231043/DPP
Date: 27 October 2023 at 11:39:12 BST
To: "info@mac-architects.co.uk" <info@mac-architects.co.uk>

231043/DPP - Erection of replacement dwelling house with integrated garage, formation of external stairs with handrail, alterations to boundary wall, erection of boundary fence, formation of hard surfacing/parking and associated works at 8 Woodburn Gardens

Dear Jonathan,

I write with regards to the above application and I would like to thank you for your patience, due to my current workload and the original issue with the submitted bat survey, there has been a delay in writing to you. However, I have now had the opportunity to undertake an initial assessment of the plans and supporting information provided and I have also reviewed the comprehensive pre-application response (ref. 210636/PREAPP) provided to you in respect to this site and development and I would like to express the Planning Service's disappointment that the advice provided has not been addressed within the recent submission. Based on the initial assessment undertaken I can provide the following comments

With regards to the principle of development, as you will be aware the site is located within a residential area, as such Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) is relevant. Policy H1 advises that within existing residential areas proposals for new development will be supported if it meets the following criteria:

1. does not constitute over development;
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.

With regards to point 3 of Policy H1, the development would not result in any loss of open space as it would be contained within private curtilage. While the principle of development will be considered against Policy H1, other local and national policies, as well as the interim Aberdeen planning guidance (APG), are relevant and these will be fully considered and discussed in the Planning Service's Report of Handling.

With the pre-application response provided, it was advised that the proposal raised a number of concerns, with the following recommendations given which would potentially go some way in addressing the above concerns – these have been considered and my comments in response to these are in *italics*.

- Remove the pend and upper floor accommodation on the dwelling's eastern side. This will result in a property width (and spacing) akin to that dominating within the street and will likely alleviate concerns in respect of overshadowing to adjacent property.
This has not been removed and the pend with upper floor accommodation is still proposed. Matters relating to overshadowing are discussed below.
- Reduce the overall ridge height of the property to no higher than the existing dwelling, or to that of 6 or 10 Woodburn Gardens, whichever is the greater.
No reduction has been proposed, the height of the proposed dwelling, based on the plans provided would be approximately 3.1m to the eaves and 7.9m to the ridge. The existing dwelling, again based on the plans provided is approximately 3m to the eaves and 7.1m to the ridge, therefore the proposed dwelling would be in excess of 800mm higher the existing situation. However, on the proposed plans the outline of the existing dwelling is shown and the difference in height there is only 470mm, as such there are some discrepancies with the information provided, a matter which will be discussed further in this email. Owing to a previous planning application the Planning Service have information in relation to the dwelling at 6 Woodburn Gardens, the shows that this dwelling is approximately 3.1m to the eaves and 7.3m to the ridge. The Planning Service have no information in respect to 10 Woodburn Gardens, but it is assumed the dwelling would be similar to No's 8 and 6. In light of this, the proposed dwelling does not correspond to the existing situation or context and would be taller to the ridge.
- Reduce the ridge height and overall projection of the remaining, larger, dormers. The position/location of the balcony elements can remain; however, the face of the dormers should be brought back in line with the balcony doors. This will reduce their scale and impact within the street scene.
There has been no change to the dormers proposed.
- Reduce the eaves level of the rear projection/wing – the reduction doesn't necessarily need to match that of the main body of the house; however, the discrepancy in height should be reduced by no less than 50%.
There has been no change to this aspect.

Noting all the above and the information in the Planning Statement, which aims to address the above, I can advise that there are still significant concerns with the proposed dwelling, these are similar to what was advised within the pre-application response. As such, I can advise that the Planning Service find this proposed development to be wholly unacceptable. Matters regarding principle of development and design will be considered below.

With respect to Policy H1, the general density of the surrounding area should be reflected in development proposals for new properties. It is recognised that the curtilage is a sufficient size extending to approximately 809sqm and having carried out calculations, the development represents approximately 30% of the site. However, upon undertaking a desk top assessment of the level of development along Woodburn Gardens, the average works out to be approximately 26%. Therefore, the proposed development exceeds the general density of the surrounding area and is therefore unacceptable.

Furthermore, when looking at the dwellings numbered 2 to 30 Woodburn Gardens, no dwelling has been extended to such a degree within the rear curtilage. While it is recognised that there is no unified design to these dwellings or indeed their plot size, these properties are of the same character and there is a high degree of consistency in respect of their modest size, scale and massing and it is these properties that have been used to undertake this assessment. That is not to say that the properties numbered 32 to 40 Woodburn Gardens are not being considered, however, the design and character of these dwellings is different, as such, it is considered necessary to assess the proposal against the prevalent character of Woodburn Gardens, which is reflected in No's 2-30.

I would like to note that over development cannot just be considered against the typical level of development, the Planning Service must also consider the impact this development would have in terms of the existing pattern of development, its visual dominance, its overall presence within the existing street scape and the impact it would have on the character of the area. With respect to these, the Planning Service must take into account the aforementioned properties.

The concerns regarding the design remain the same as those that were highlighted in the pre-application response and it is considered that the development, in respect to its design, is unacceptable, this is due to the issues regarding the principal elevation, the addition of the pend, the proposed dormers, the overall height and impact this would have on the character of the area. The Planning Service are of the opinion that Woodburn

Gardens is characterised by modest one-and-a-half-storey properties with flat roofed dormers, accepting that the roof styles differ throughout, but generally the dwellings are uniformly spaced and equally separated by driveways and small, lean-to, single-storey garages, with only a few dwellings having been extended to the side. I would also like to point out that no dwelling along Woodburn Gardens has a pend such as the one proposed. It is accepted that due to the curve in the road that this dwelling, along with No's 8 and 10, do not conform to the established building line, and this has been taken into consideration, but overall, the development proposed does not correspond to or indeed complement the existing form of Woodburn Gardens in terms of its design, scale and massing. While you advise that the dwelling does match the character of the street, no street scape details/elevations have been provided to show this and it is considered that there would be an impact on visual amenity. Furthermore, the design precedent outlined in the Design Statement, is not reflective of Woodburn Gardens, with those properties being located on the surrounding streets.

With respect to residential amenity, while the sun path analysis has been submitted, this only shows the months of June and December, no information has been submitted in respect to March or October and such information would be required to establish whether there would be an impact on the neighbouring properties. Furthermore, there is likely to be a daylight impact on the window of the west elevation of the neighbouring property at 6 Woodburn Gardens. However, I cannot undertake this assessment as the neighbouring property is not shown on any of the plans.

As alluded to above, there appears to be some discrepancies on the elevation plans provided, especially in respect to the existing dwelling, it appears that the dashed-line showing the existing property on the proposed plans, ref. 453(PA)007, has not been drawn accurately. When measuring the height of the existing and proposed dwelling, this plan shows a difference of just 470mm, however upon measuring the existing and proposed plans, refs. 453(PA)001 and 453(PA)007, these demonstrate a height difference of approximately 800mm. Furthermore, when you look at the west elevation of the existing property on the plans, this does not correspond with what was seen on site. From the image below, you will note that the front dormer is in line with the base of the chimney and the top of the front and rear dormers appear to be the same, this is not what is shown on the existing elevations. Therefore, drawing ref. 453(PA)007 is inaccurate and does not reflect the existing situation. This matter will need to be resolved.



In order to determine this application, and owing to the inaccuracies and lack of information outlined above, the following information and plans is required:

- Street elevation, which will need to show, at least, the neighbouring properties to the east and west, i.e. 4 and 6 Woodburn Gardens and 10 and 12 Woodburn Gardens.
- Accurate existing elevations.
- Sun paths analysis for March and/or October.

However, I will advise, that at this time and based on the initial assessment undertaken, the proposal does not accord with Policy H1 (Residential Areas), indeed it is considered that the proposal also fails to comply with Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of National Planning Framework 4. The full assessment of this application against all the relevant policies, contained within the ALDP & NPF4 and guidance, will be outlined in the Report of Handling, which will be available to view when the application has been determined.

At this time, I can advise that the Planning Service are not requesting any changes to the proposal, however, we are requesting that further information/plans be provided, this information is outlined above. While we have an agreed extension of time until the 30th November, to provide you with sufficient time to provide the requested information, I suggest that we extend this to the **14th December**, with the requested information submitted by the **17th November**. If no further information/revised drawings are going to be submitted, please confirm this by the **3rd November**. To highlight, owing to the above, I can advise that the recommendation of this application is likely to be one of refusal.

Regards,



Aoife Murphy BA (Hons) MSc MRTPI | Senior Planner
Aberdeen City Council | Development Management | Strategic Place Planning | Place
Marischal College | Ground Floor North | Broad Street | Aberdeen | AB10 1AB

Landline: 01224 045242

Technical Team (Applications): 01224 053746 | Email: pi@aberdeencity.gov.uk
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From: Aoife Murphy <AMurphy@aberdeencity.gov.uk>

Subject: 231043/DPP

Date: 23 February 2024 at 10:41:44 GMT

To: Jonathan Cheyne <jcheyne@mac-architects.co.uk>

231043/DPP - Erection of replacement dwelling house with integrated garage and associated works at 8 Woodburn Gardens

Good Morning Jonathan,

I trust you are well. I write in relation to the above application and to advise that I have now reviewed the information/comments submitted in response to my email dated 27th October 2023. As you provided a table, I will respond to the points in that order.

1. It is noted that the pend will not be removed and I also note your comments regarding the proposal to hip the dwelling house. However, the addition of the pend is still not accepted, should you want to hip the dwelling house, amended elevations will be required.
2. Noted, but as no street elevations have been submitted, I am unable to compare the height of the dwellings or indeed assess this aspect.
3. Noted, however an alternative option to reduce solar gain would be to reduce the size of the dormers. The dormers are still not acceptable.
4. While I note that you may have discussed this aspect with the previous planner, there appears to be nothing on file or in writing agreeing to this. Having considered the plans and reviewed the information available, the eaves of the projection would still need to be reduced as per earlier comments and it is not considered this would significantly alter the head room in this area.
5. The calculation carried out included the pend, which is part of the overall development, we appreciate that removing the pend would reduce the level of development to a percentage which is more in line with the calculation provided in your comments. However, technically all areas of hardstanding are part of the development and can be used to assess the level of development, in doing so the level of development would be approximately 47% based on the initial set of plans submitted.
6. I note your comments, however my initial comments still stand.
7. I can advise that the addition of a garage door would not be acceptable.
8. My initial email requested street elevation not a photomontage(s), these can also be submitted in support of the proposal, but in order to carry out an appropriate assessment a street elevation is still required.
9. The overshadowing analysis is still required for March/October.

I note that amended existing elevations have been submitted, thank you for these. With regards to points 8 and 9, this information is still required as per my initial email, can you advise a timeline of when this information will be submitted? Additionally, based on the information provided by yourself, I assume that no further amendments will be made as per my request, can you confirm?

Kind Regards,

Aoife

Aoife Murphy BA (Hons) MSc MRTPI | Senior Planner

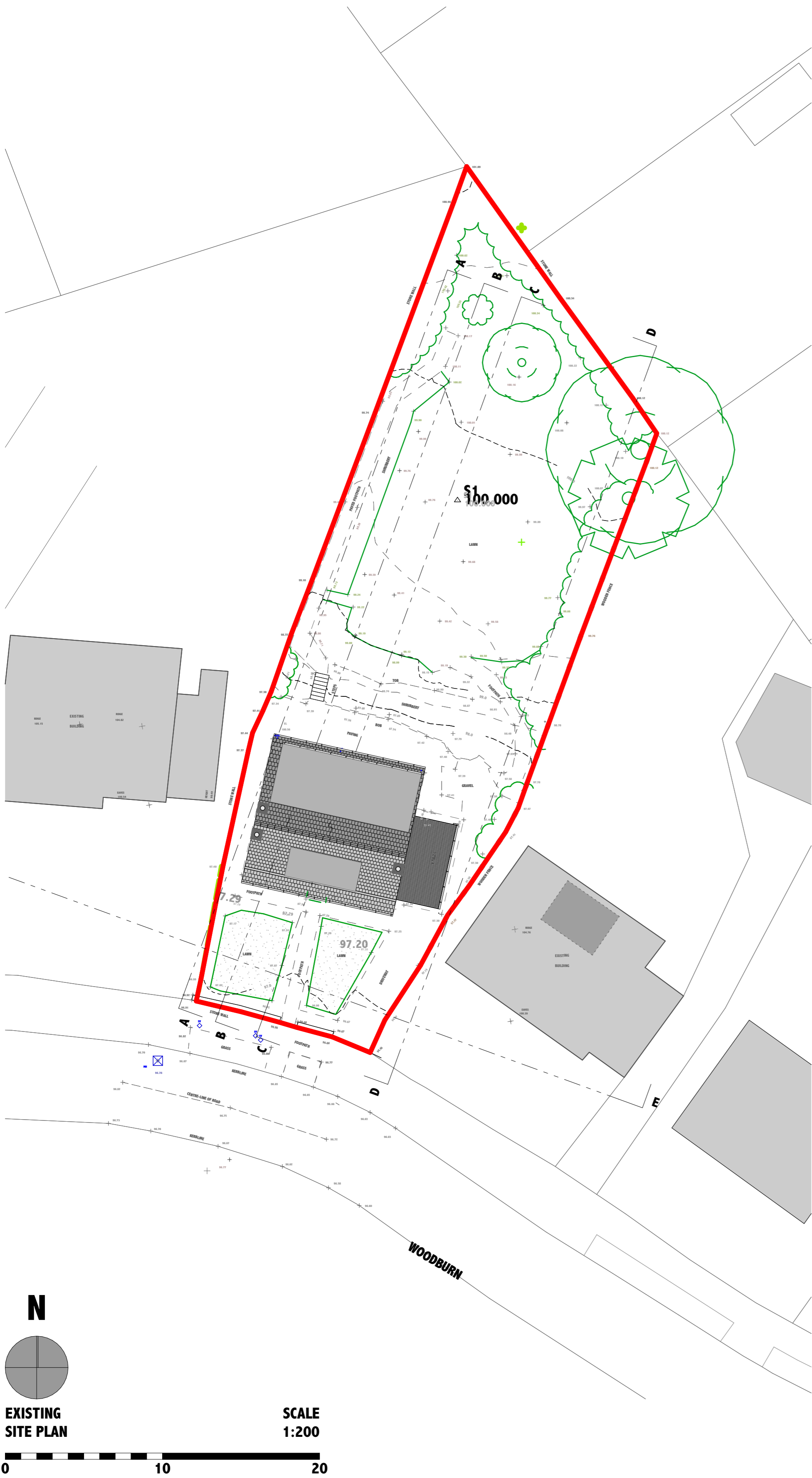
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Marischal College | Ground Floor North | Broad Street | Aberdeen | AB101AB

Landline: 01224 045242

Technical Team (Applications): 01224 053746 | Email: pi@aberdeencity.gov.uk

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NOTES
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Rev.	Drn.	Chk.	Appd.	Date	Description
A	CB	JC	EM	01.04.2024	NO.6 UPDATED WITH 'AS BUILT'

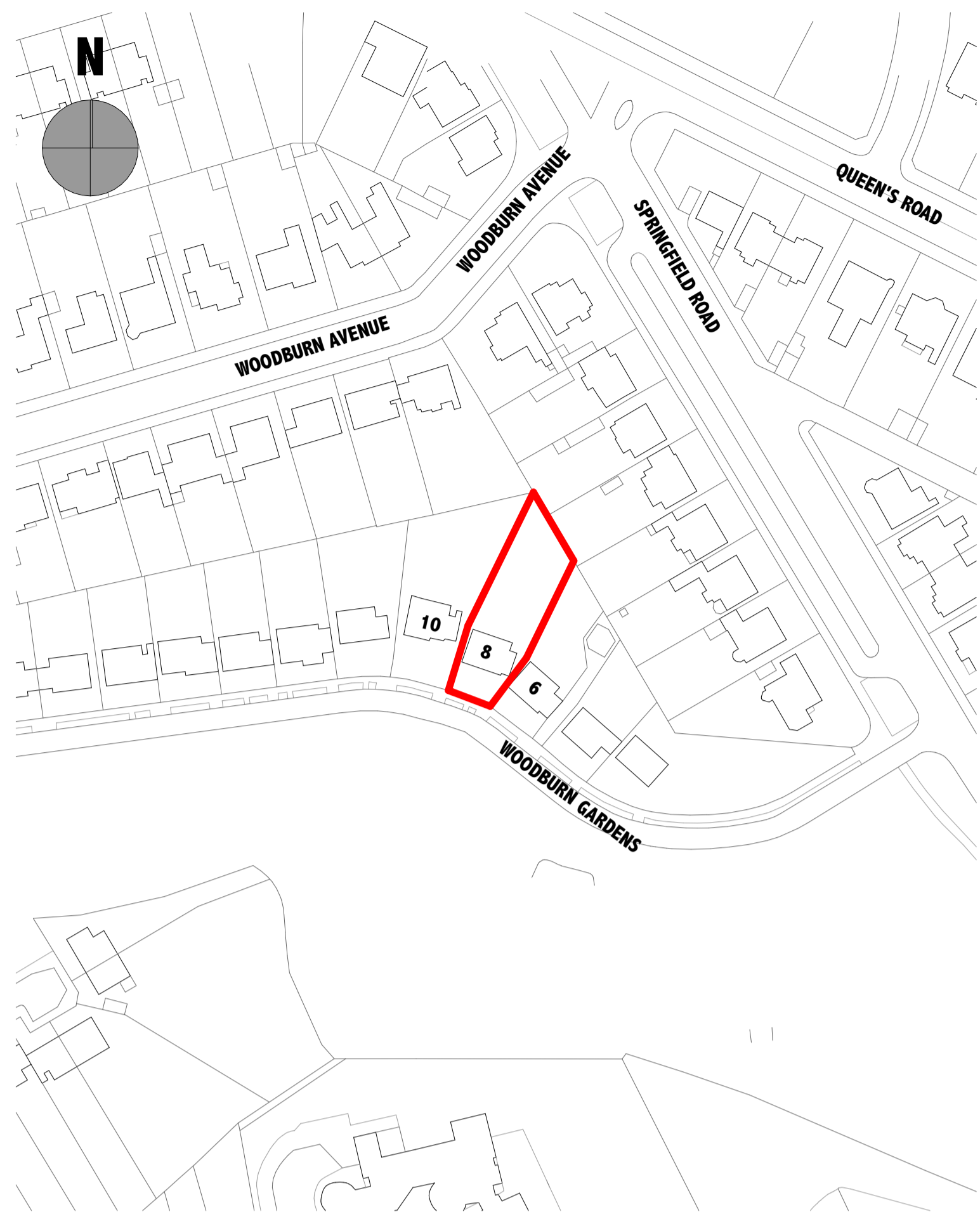
REPLACEMENT DWELLINGHOUSE
 Mr + Mrs Sinclair,
 8 Woodburn Gardens,
 Aberdeen,
 AB15 8JA

DRAWING TITLE
 EXISTING & PROPOSED SITE PLAN - REV A

ISSUE STATUS
 PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	16.08.2023	CB	JC	EM	453	453(PA)002

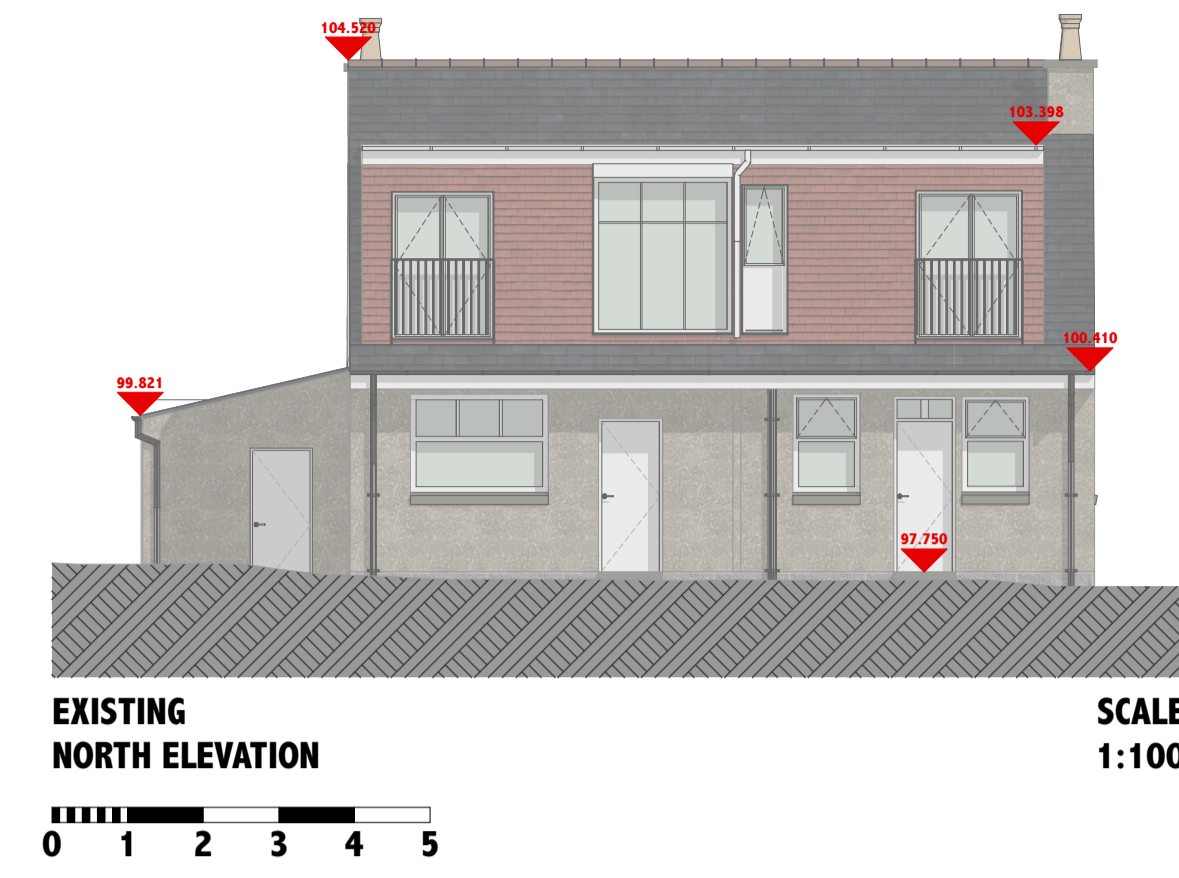




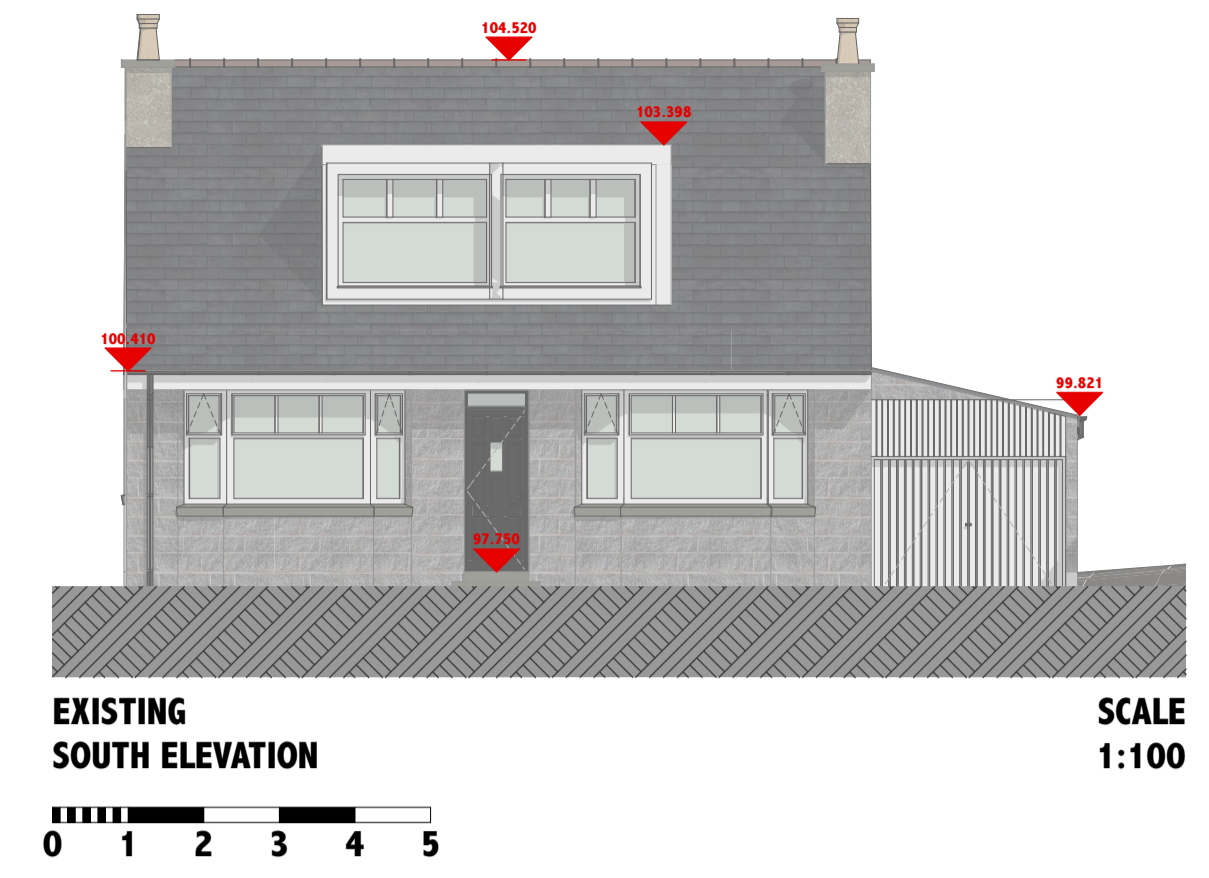
8 WOODBURN GARDENS, ABERDEEN, AB15 8JA
LOCATION PLAN SCALE 1:1250



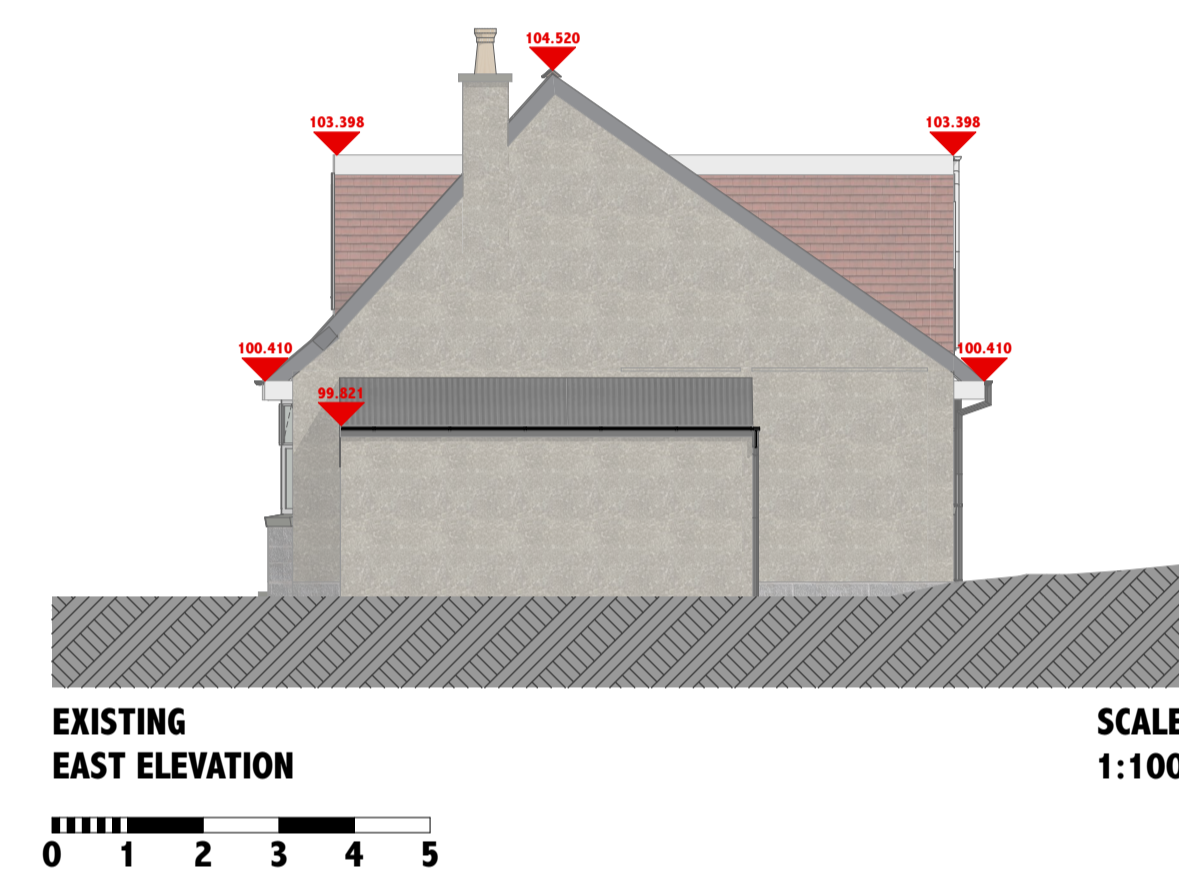
EXISTING SITE PLAN SCALE 1:500



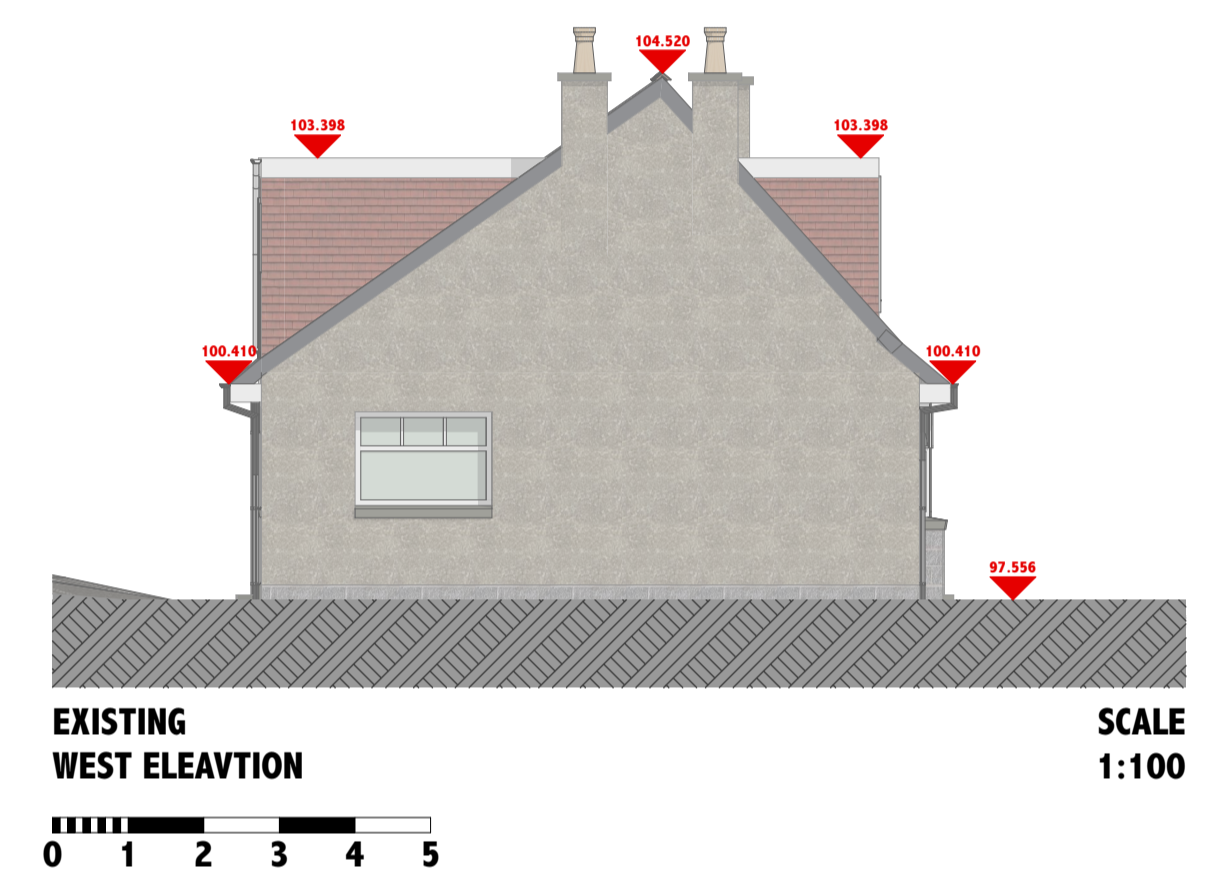
EXISTING NORTH ELEVATION SCALE 1:100



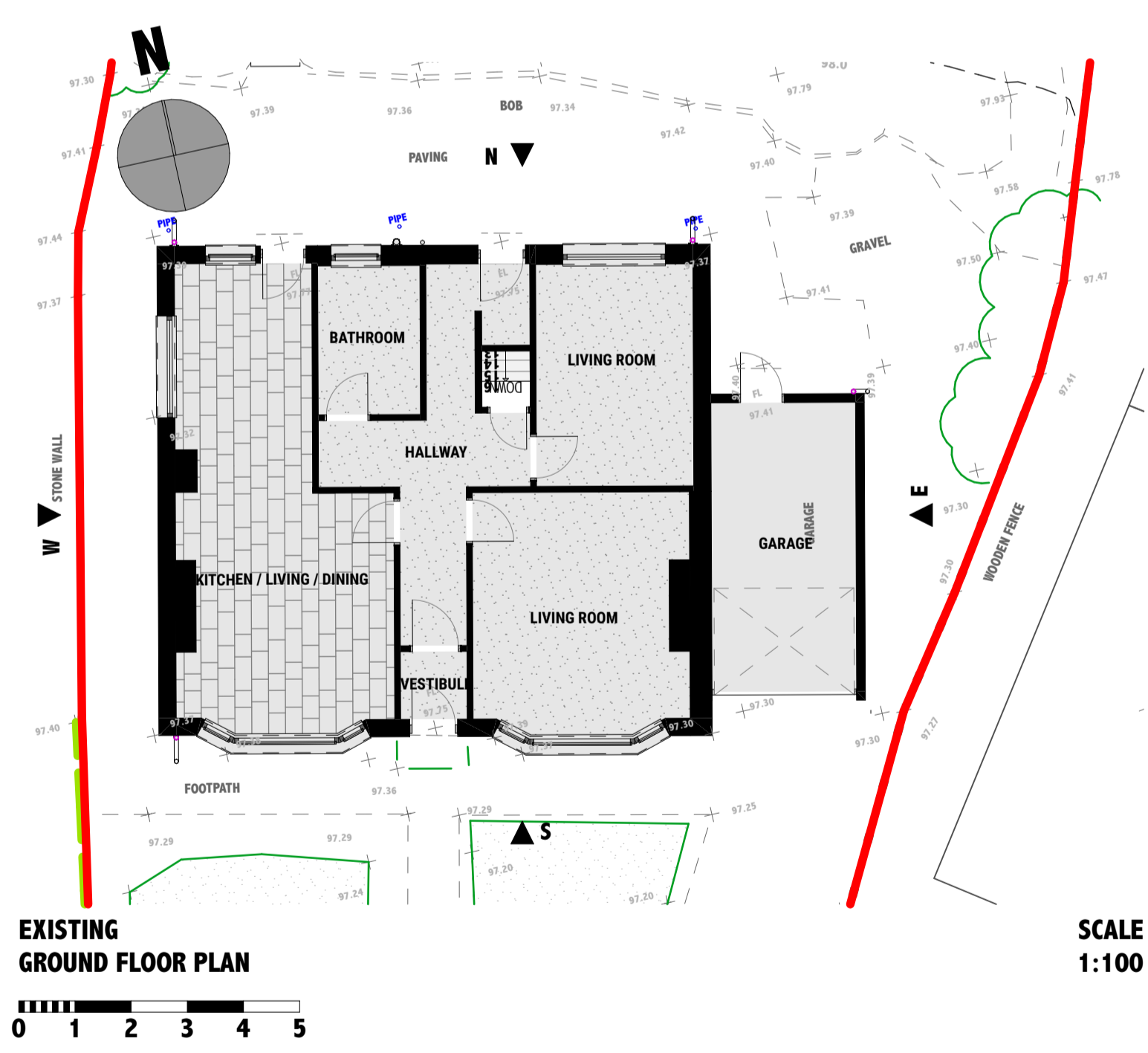
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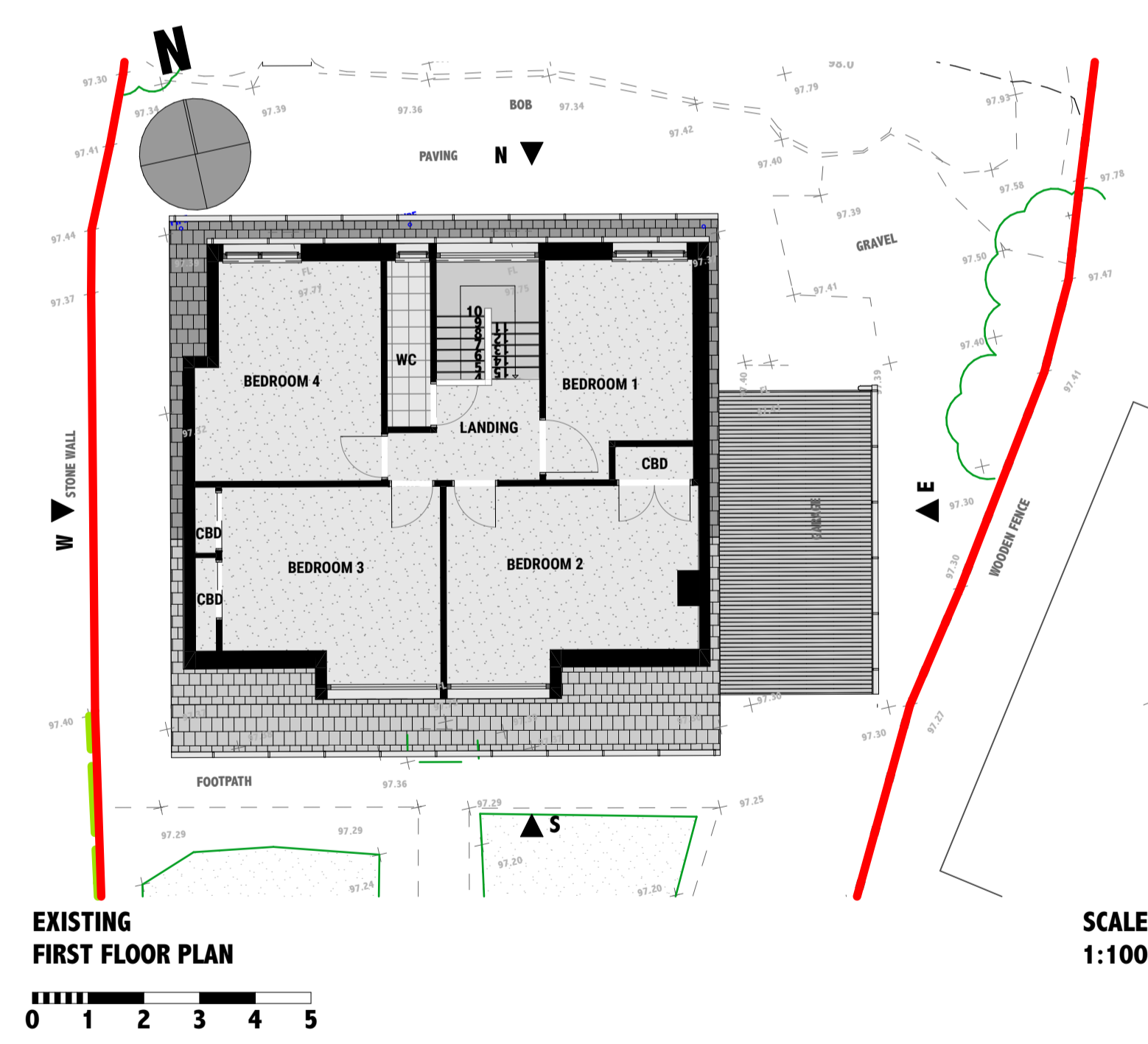
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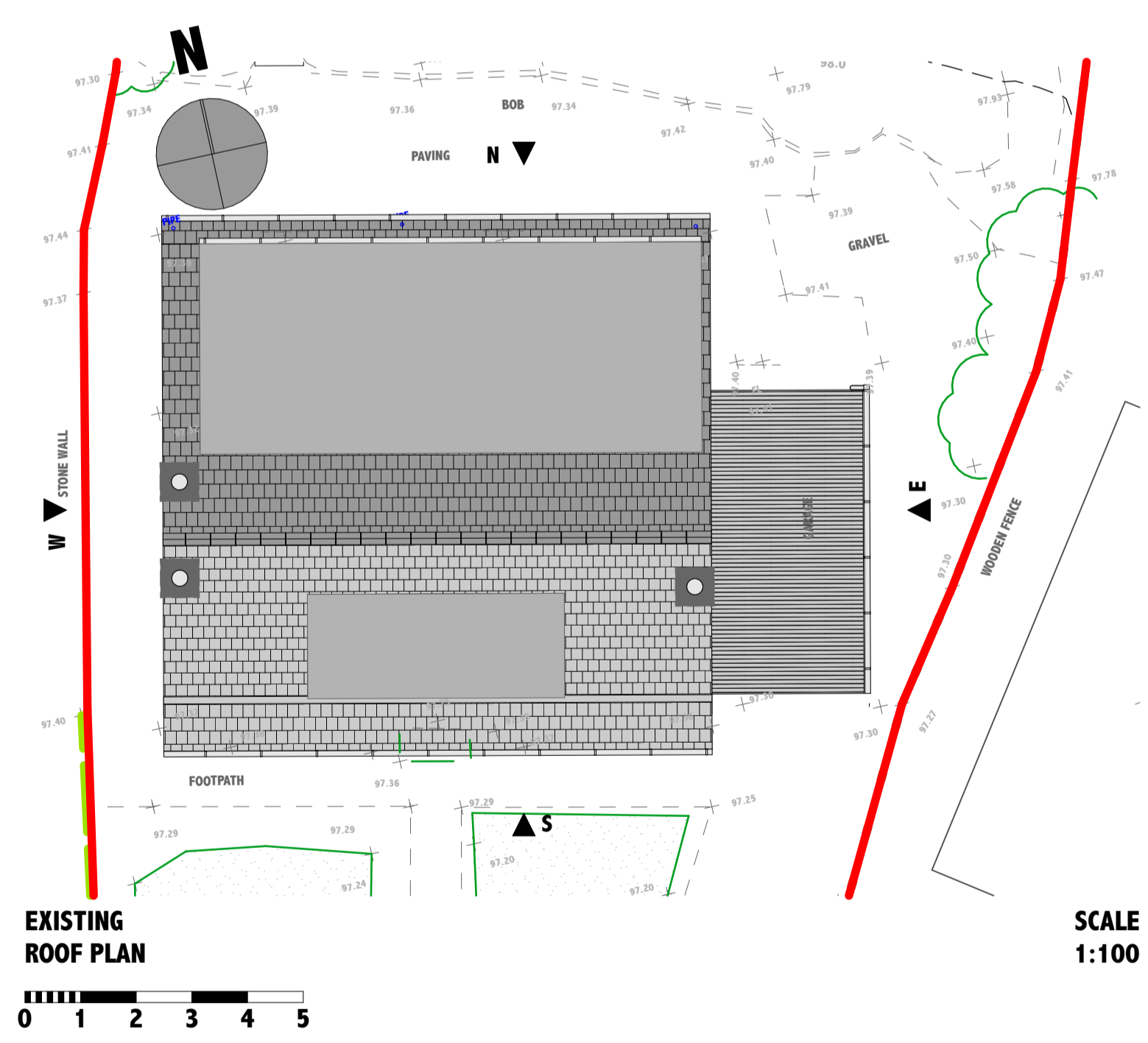
EXISTING WEST ELEVATION SCALE 1:100



EXISTING GROUND FLOOR PLAN SCALE 1:100



EXISTING FIRST FLOOR PLAN SCALE 1:100



EXISTING ROOF PLAN SCALE 1:100

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Rev	Orn.	Chk.	Apd.	Date	Description
A	CB	JC	EM	31.10.2023	UPDATED AS PER PLANNING
B	CB	JC	EM	01.04.2024	NO.6 UPDATED WITH 'AS BUILT'

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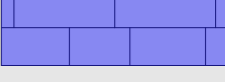

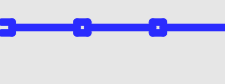

DRAWING TITLE
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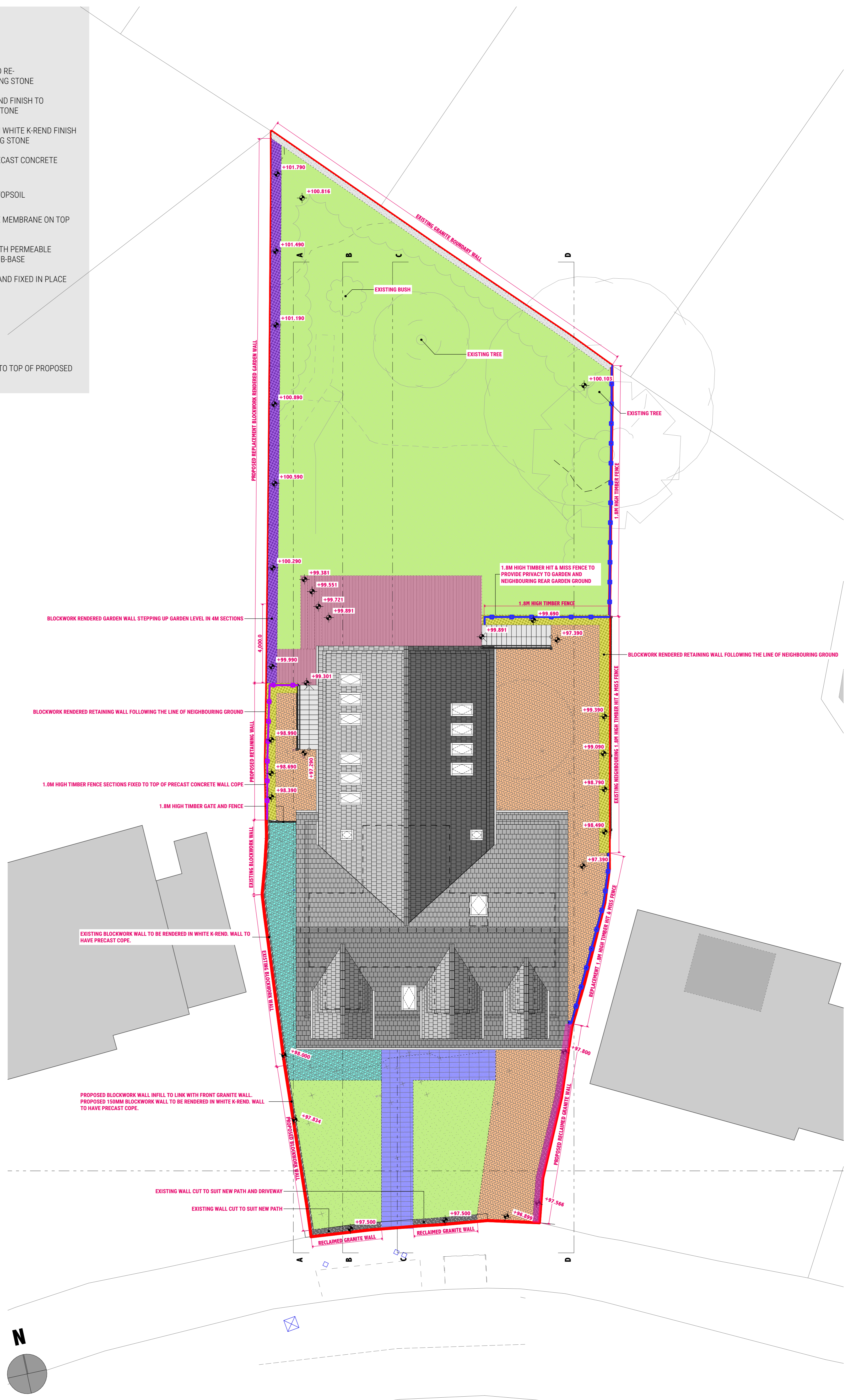
ISSUE STATUS
 PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	15.08.2023	CB	JC	EM	453	453(PA)001



LANDSCAPING & BOUNDARY TREATMENT KEY

-  EXISTING GRANITE RECLAIMED WALL REBUILT TO SUIT NEW OPENINGS TO SITE
-  EXISTING BLOCKWORK WALL TO BE INFILLED AND RE-RENDERED WITH NEW PRECAST CONCRETE COPING STONE
-  BLOCKWORK RETAINING WALL WITH WHITE K-REND FINISH TO EXPOSED FACES. PRE-CAST CONCRETE COPING STONE
-  REPLACEMENT BLOCKWORK GARDEN WALL WITH WHITE K-REND FINISH TO EXPOSED FACES. PRE-CAST CONCRETE COPING STONE
-  RECLAIMED GRANITE BOUNDARY WALL WITH PRECAST CONCRETE COPING STONE
-  DON VALLEY LAWN TURF LAID ONTO SCREENED TOPSOIL
-  GRANITE CHIP CHUCKIES LAID ONTO PERMEABLE MEMBRANE ON TOP OF hardcore AND SAND SUB-BASE
-  GREY LOCKBLOCK LAID ONTO SAND BLINDING WITH PERMEABLE MEMBRANE ON TOP OF hardcore AND SAND SUB-BASE
-  SLATE PAVING LAID ONTO hardcore SUB-BASE AND FIXED IN PLACE WITH CEMENT / SAND MIX
-  STAINED GREY TIMBER DECKING
-  1.8M HIGH TIMBER HIT AND MISS FENCE
-  1.0M HIGH TIMBER HIT AND MISS FENCE FITTED TO TOP OF PROPOSED RETAINING WALL



SITE LANDSCAPING PLAN
SCALE 1:100

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Rev.	Drn.	Chk.	Appd.	Date	Description
A	CB	JC	EM	01.04.2024	NO.6 UPDATED WITH 'AS BUILT'

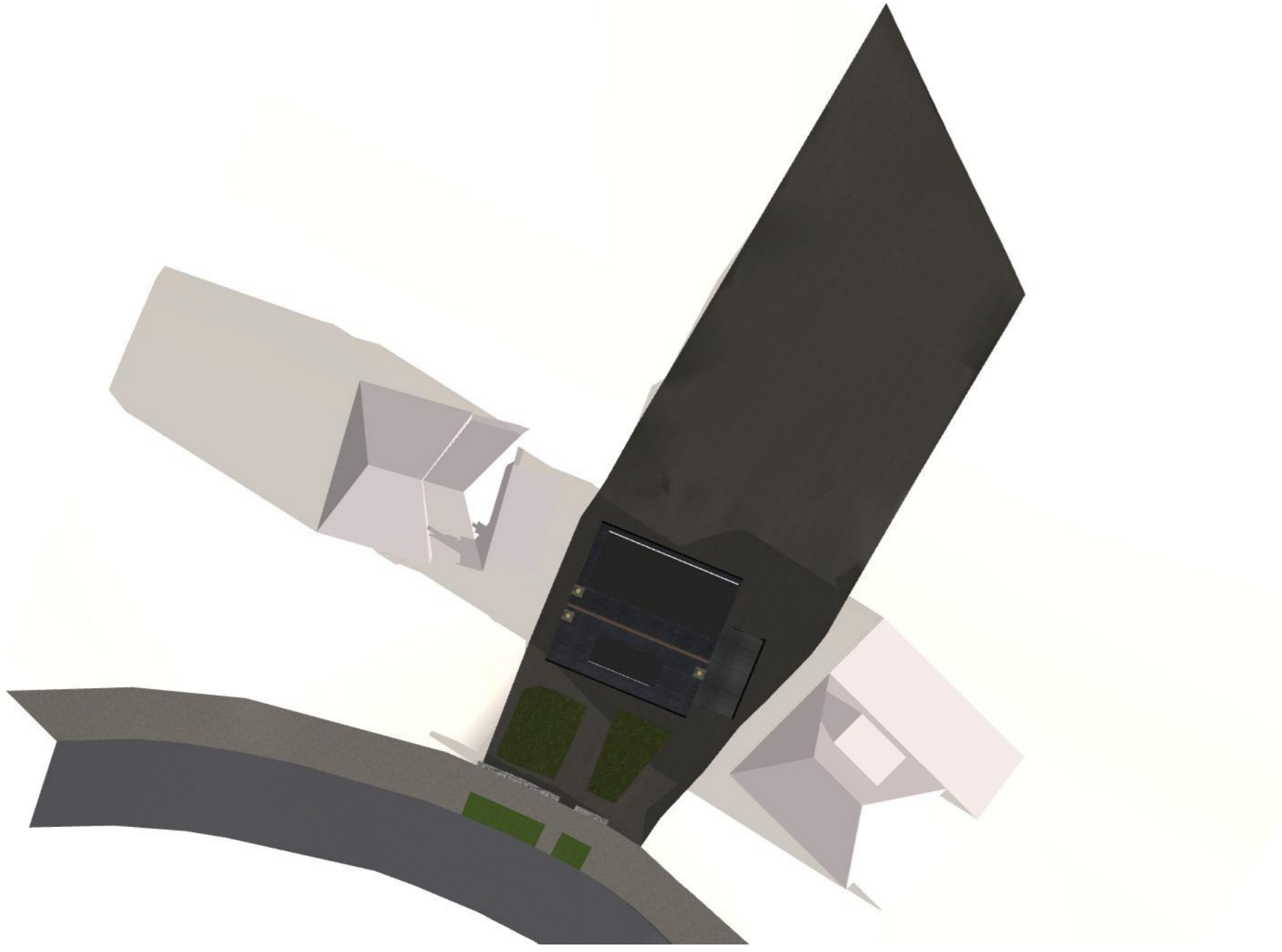
REPLACEMENT DWELLINGHOUSE
Mr + Mrs Sinclair,
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DRAWING TITLE
PROPOSED LANDSCAPING PLAN - REV A

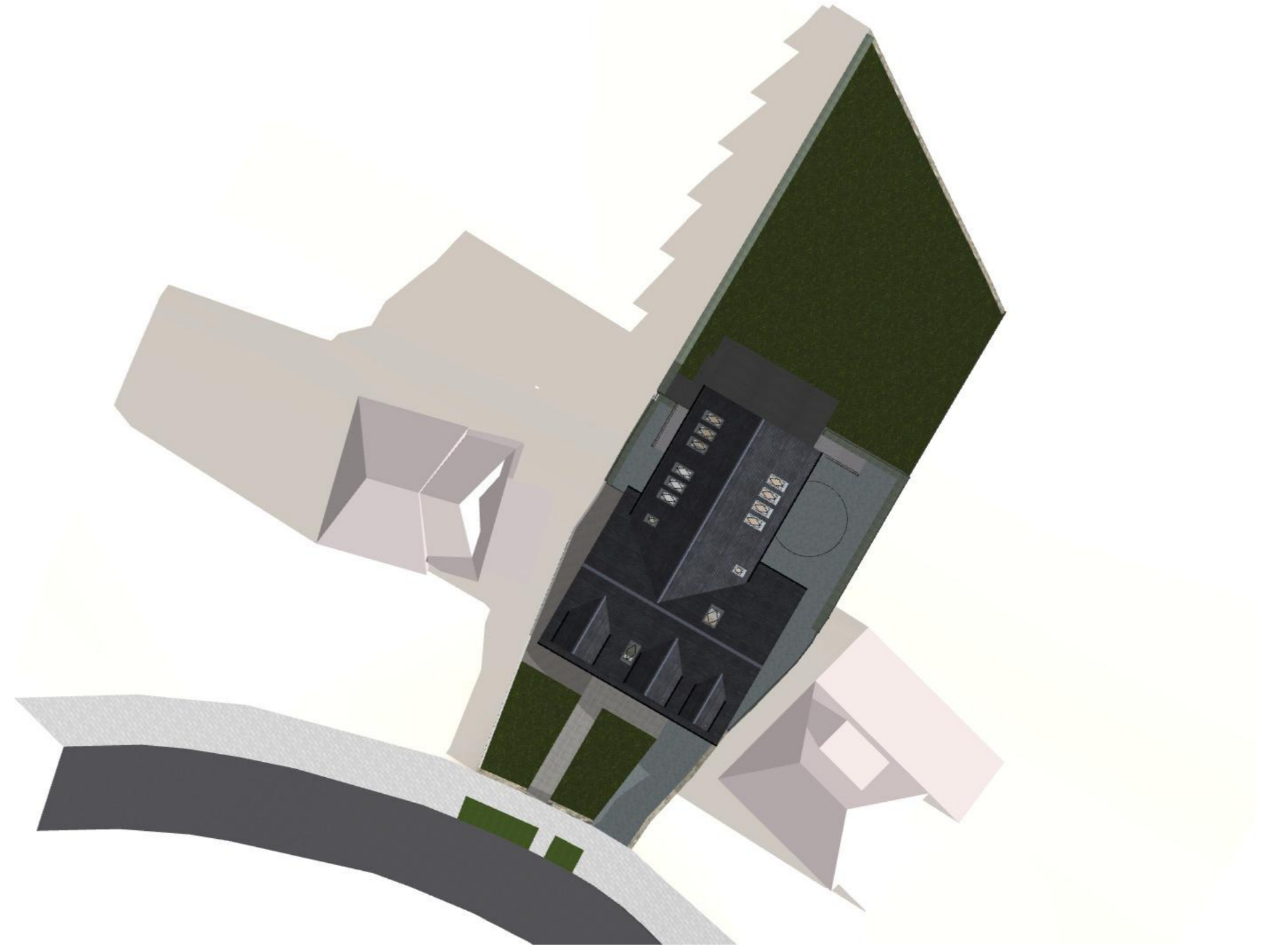
ISSUE STATUS
PLANNING APPLICATION

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AS NOTED	16.08.2023	CB	JC	EM	453	453(PA)006

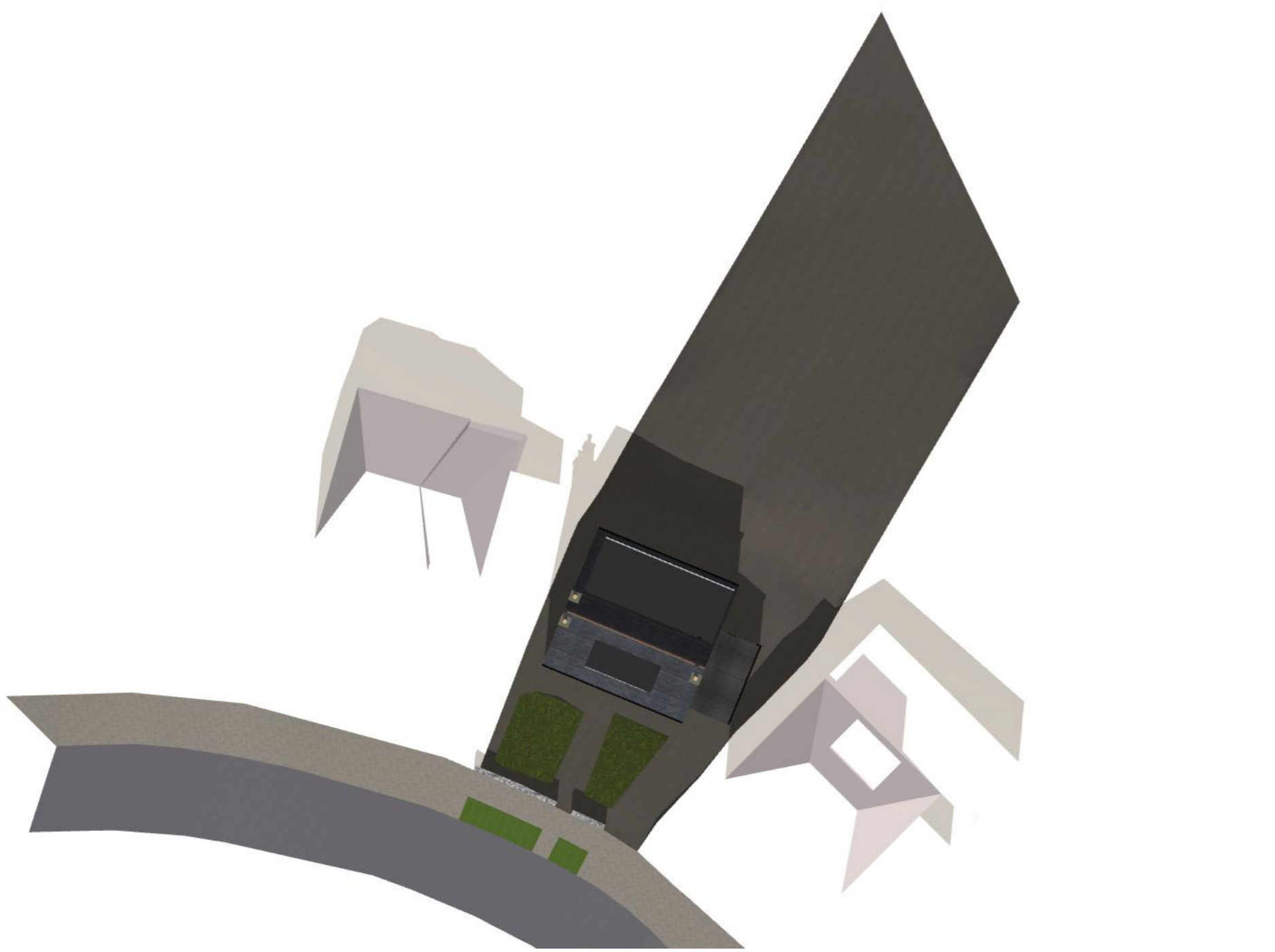




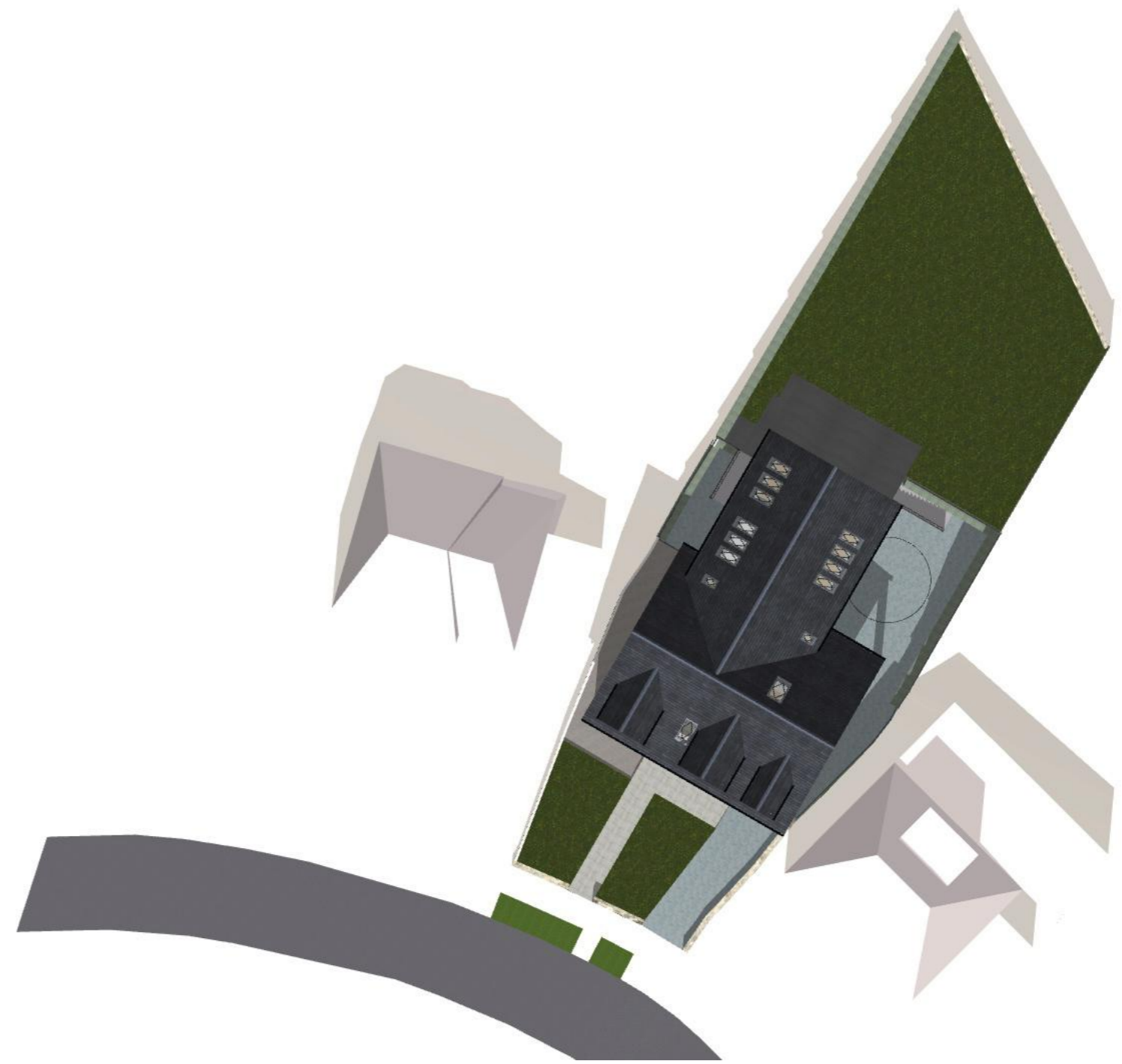
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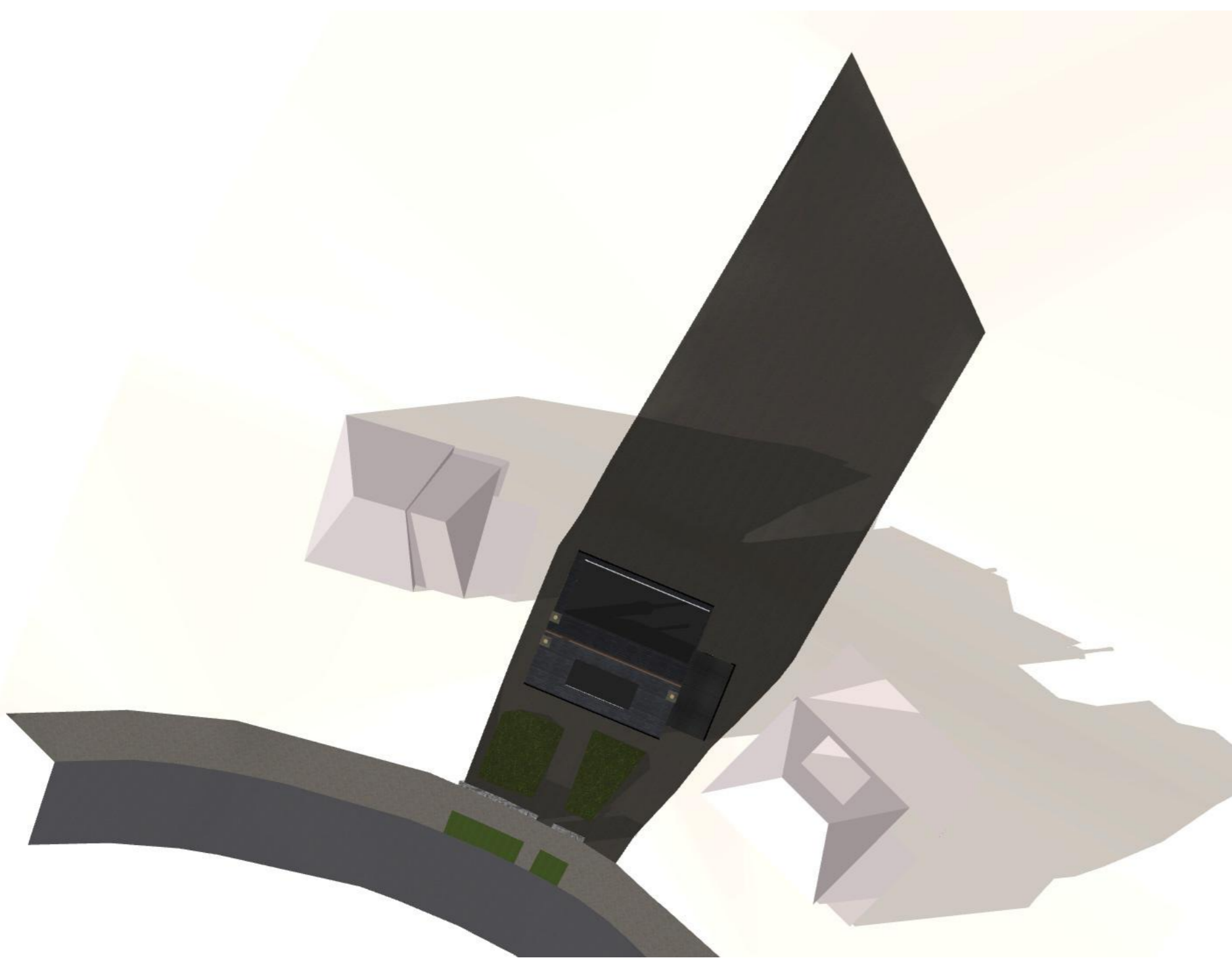
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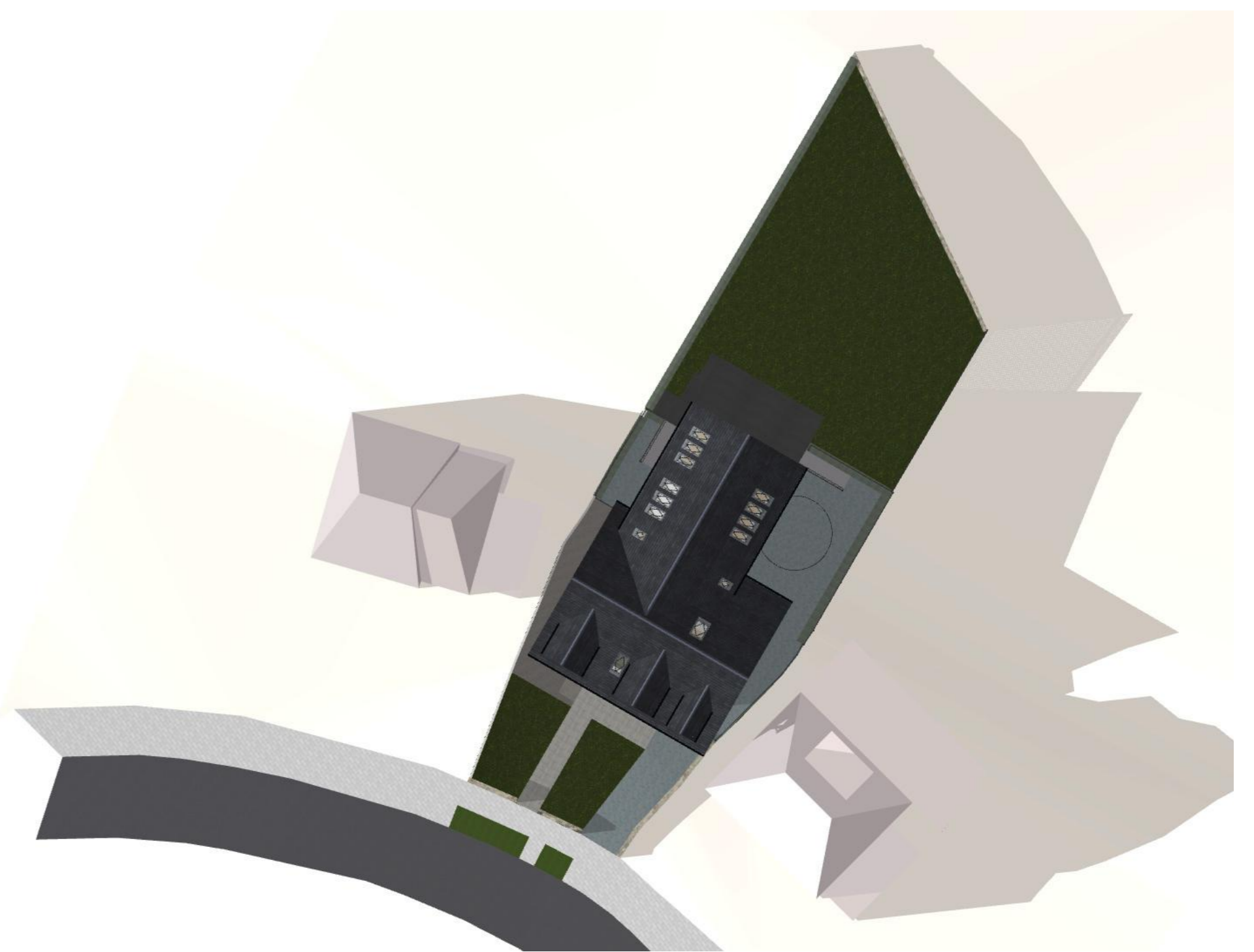
EXISTING 20th MARCH 12pm



PROPOSED 20th MARCH 12pm



EXISTING 20th MARCH 5pm



PROPOSED 20th MARCH 5pm

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Rev.	Drn.	Chk.	Appd.	Date	Description

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
 8 Woodburn Gardens,
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 AB15 8JA

DRAWING TITLE

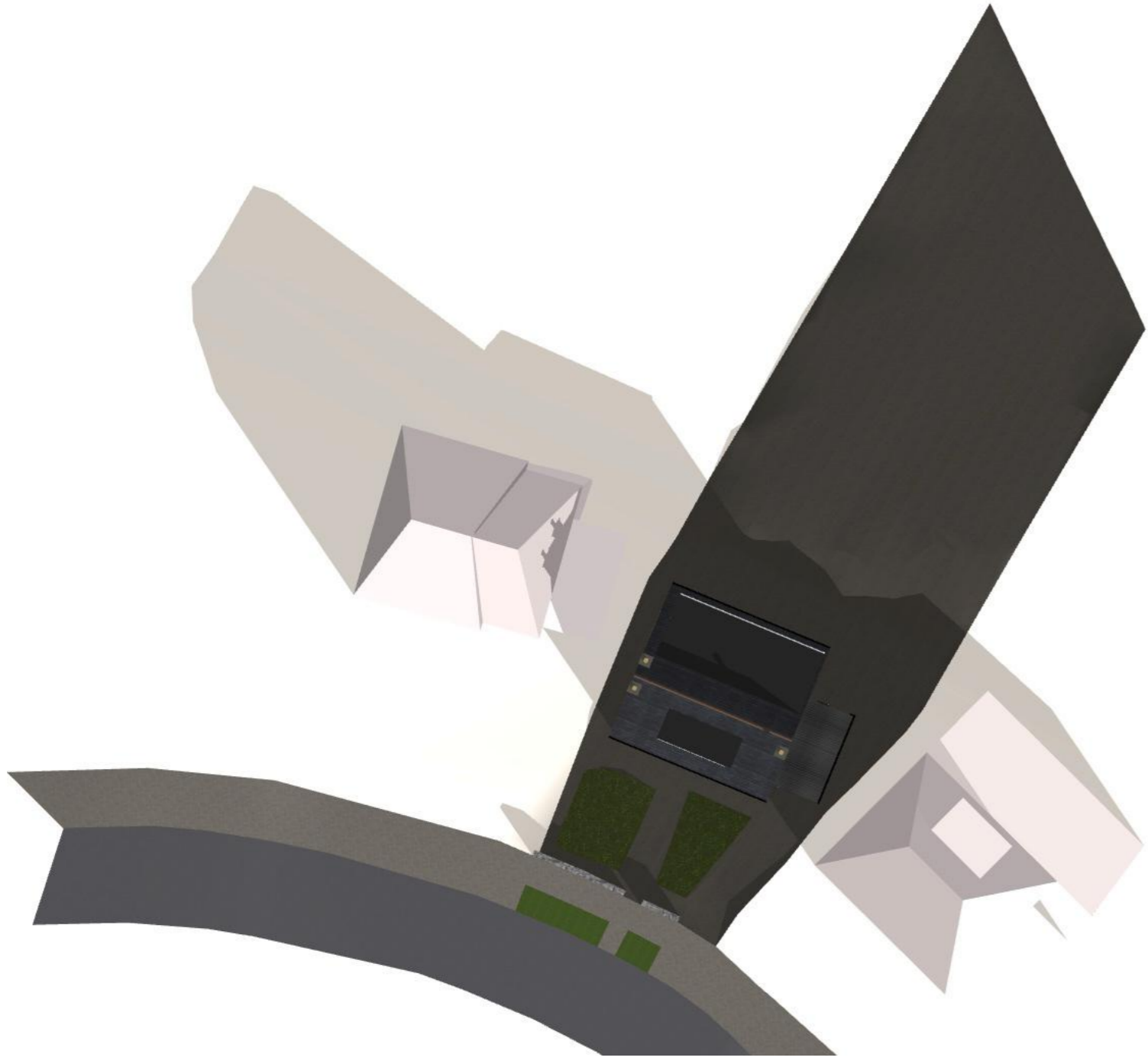
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ISSUE STATUS

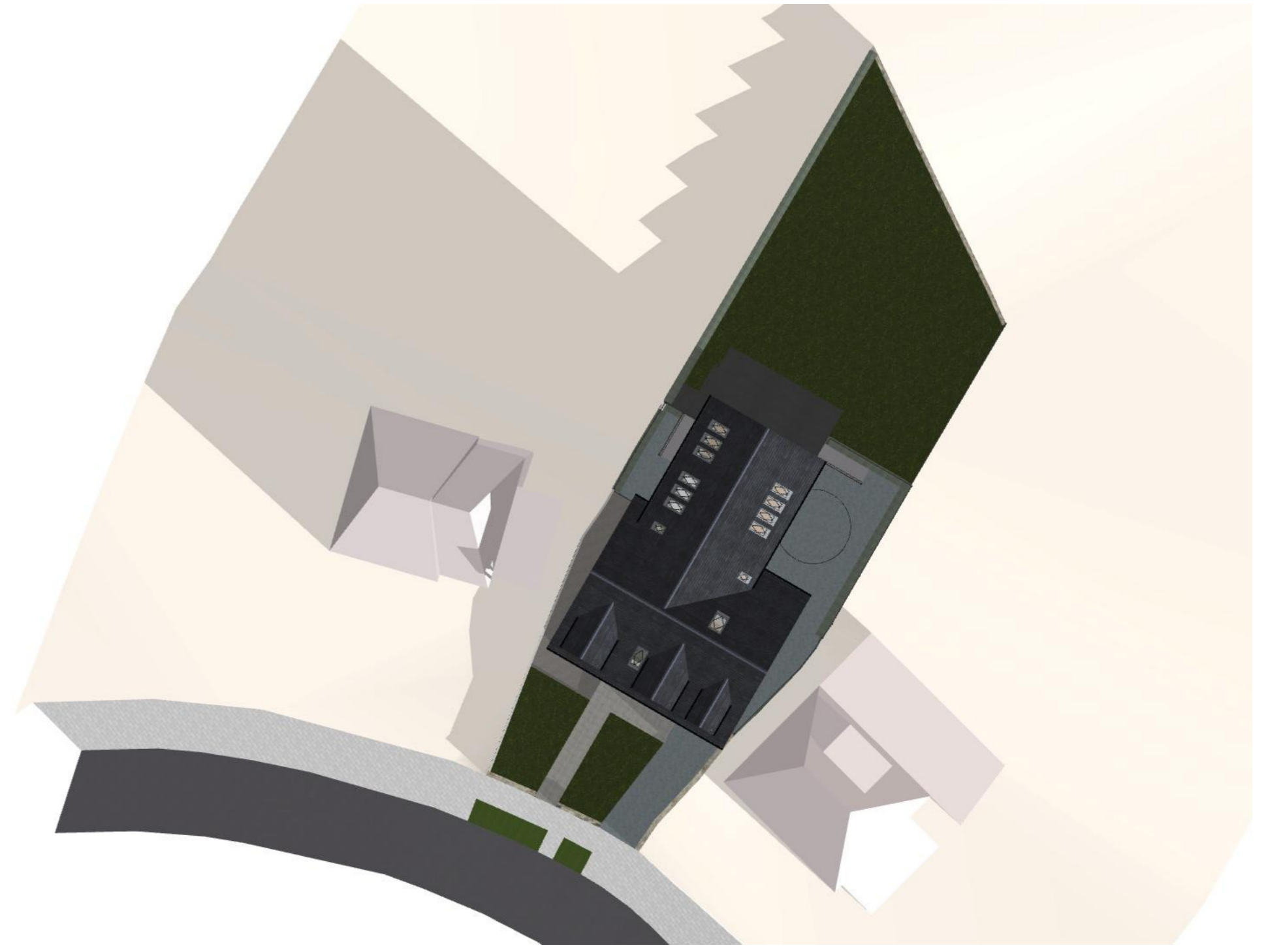
PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	29.03.2024	CB	JC	EM	453	453(PA)015

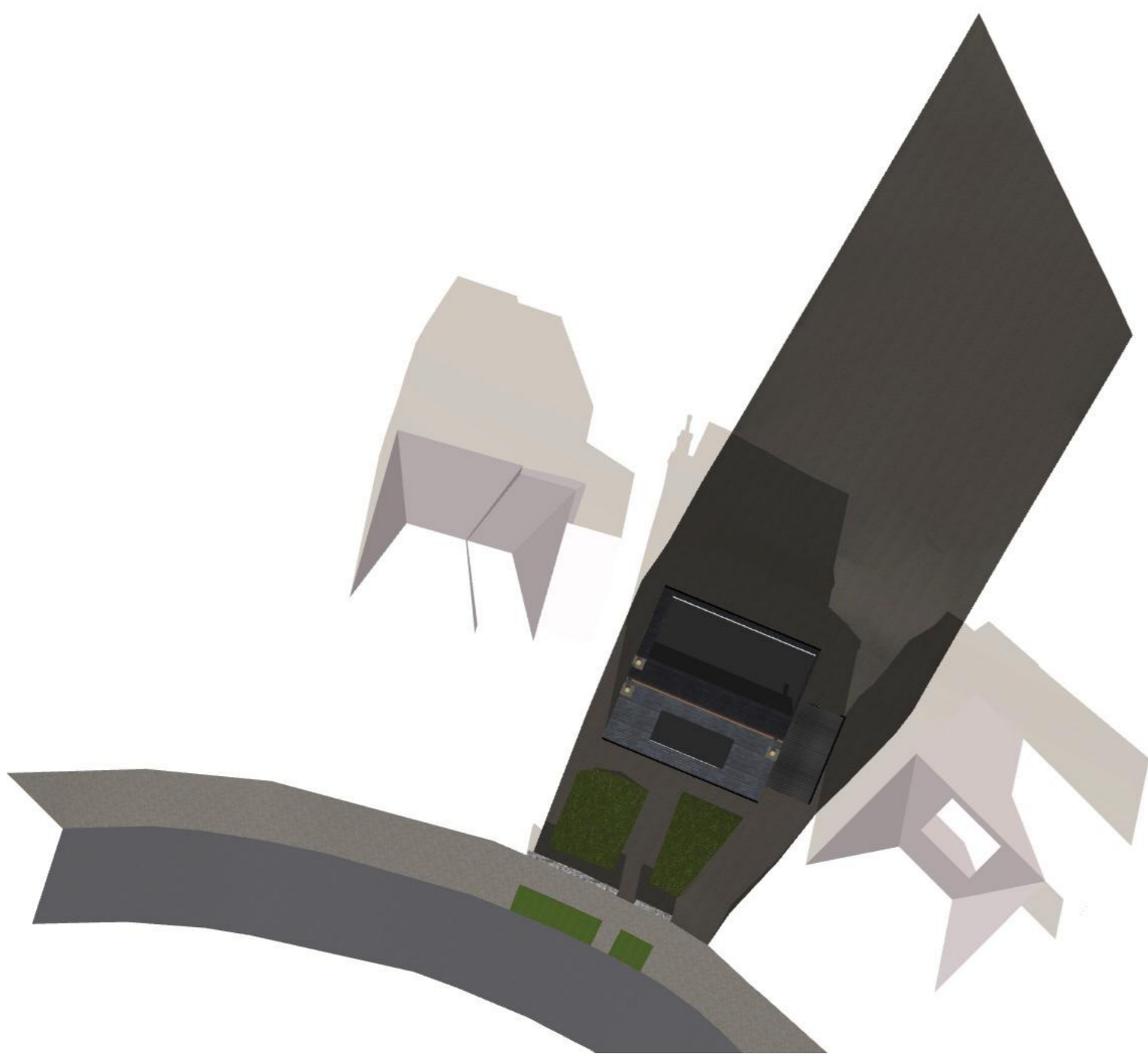




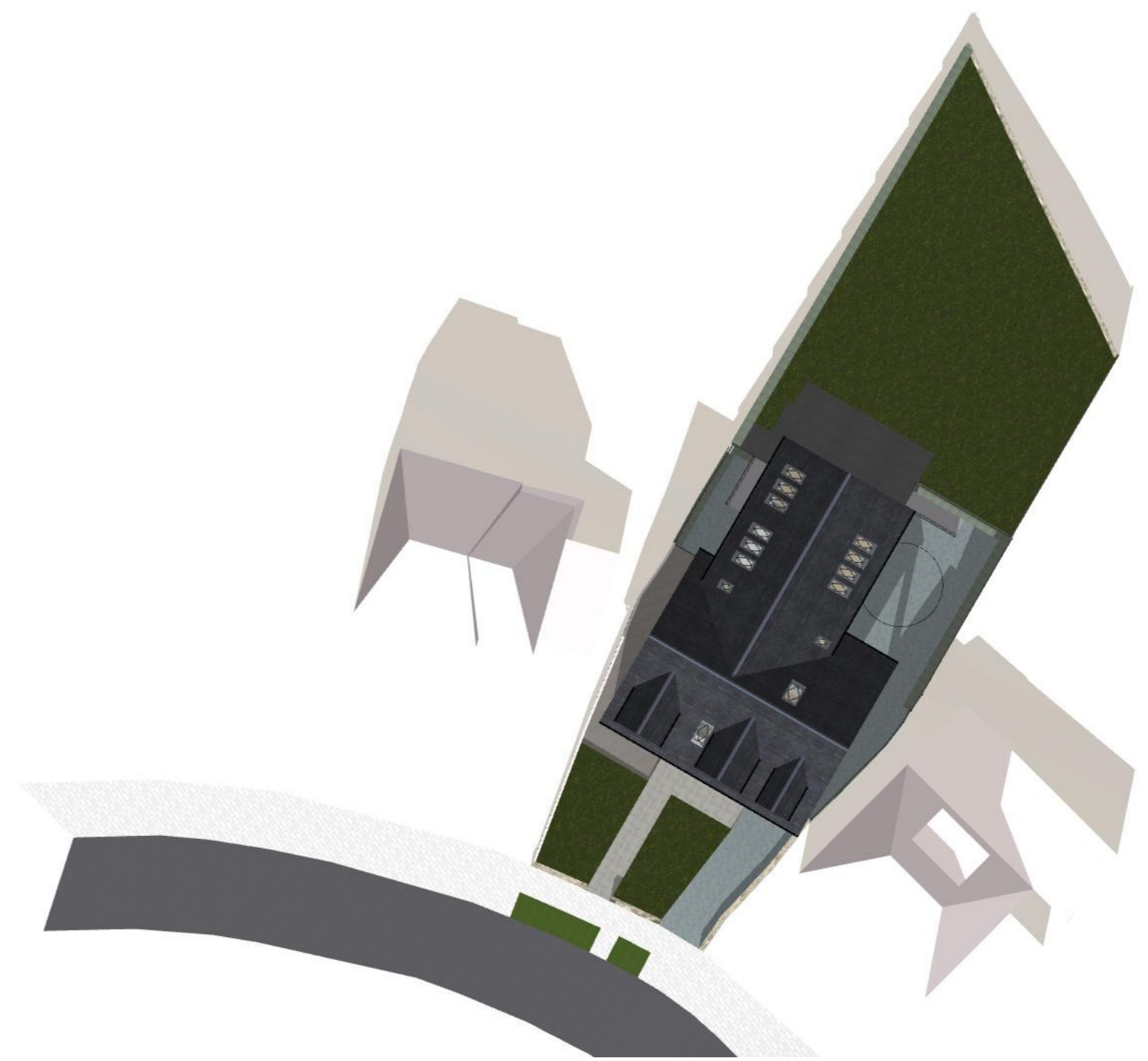
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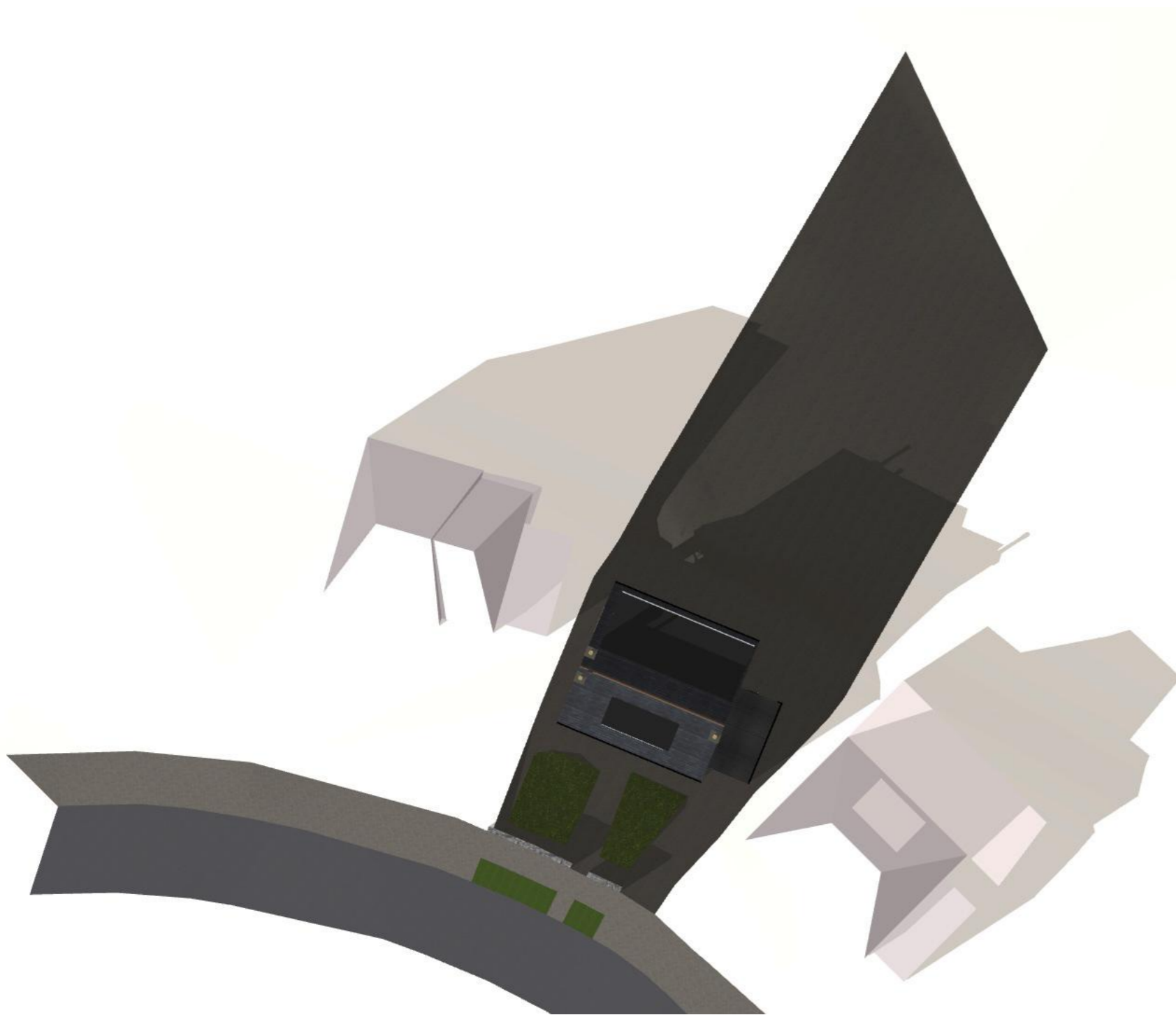
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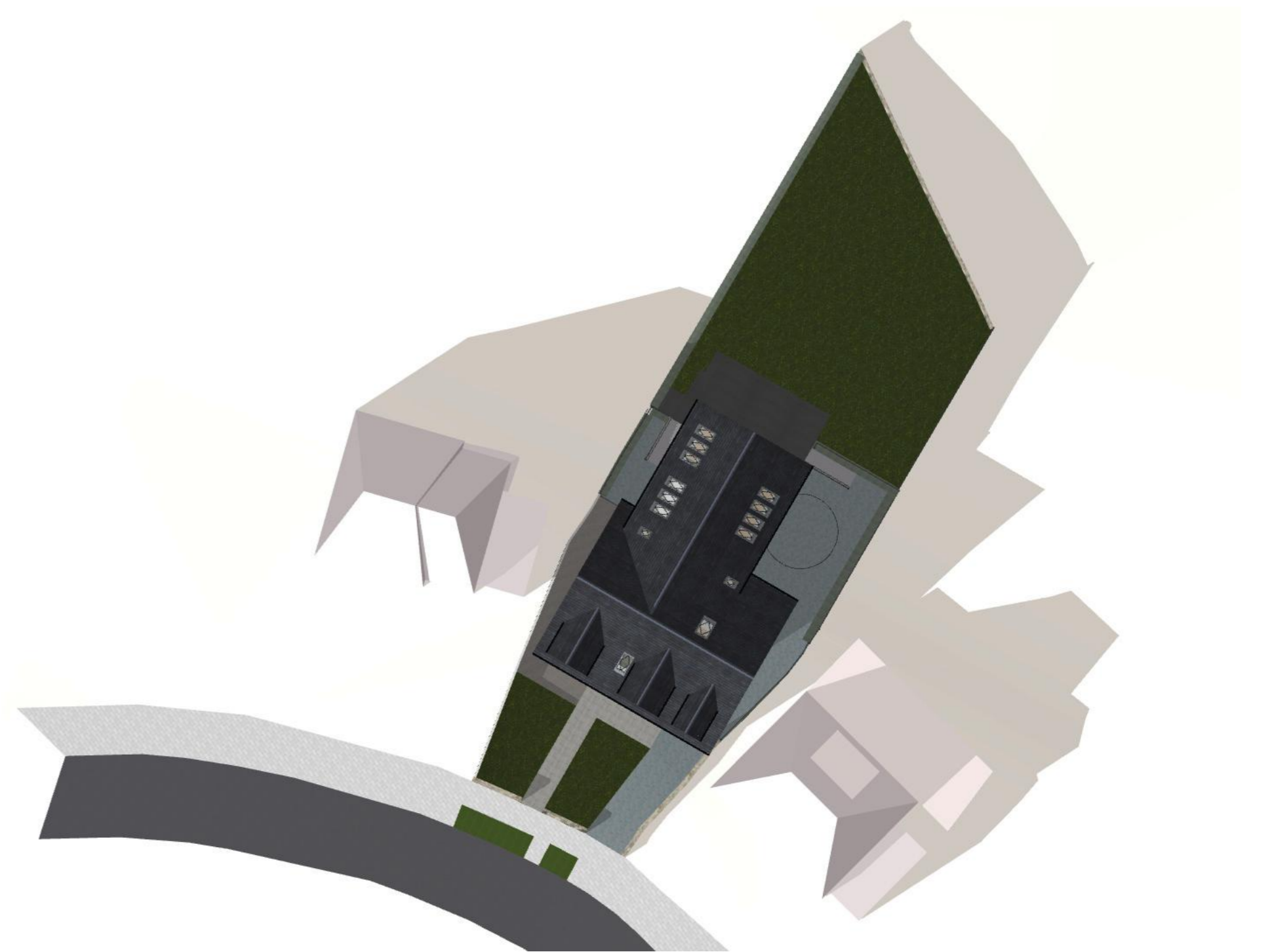
EXISTING 20th OCTOBER 12pm



PROPOSED 20th OCTOBER 12pm



EXISTING 20th OCTOBER 3pm



PROPOSED 20th OCTOBER 3pm

NOTES
 1. Do not scale off this drawing.
 2. All dimensions are in millimetres unless otherwise stated.

Rev.	Drn.	Chk.	App.	Date	Description

REPLACEMENT DWELLINGHOUSE

Mr + Mrs Sinclair,
 8 Woodburn Gardens,
 Aberdeen,
 AB15 8JA

DRAWING TITLE

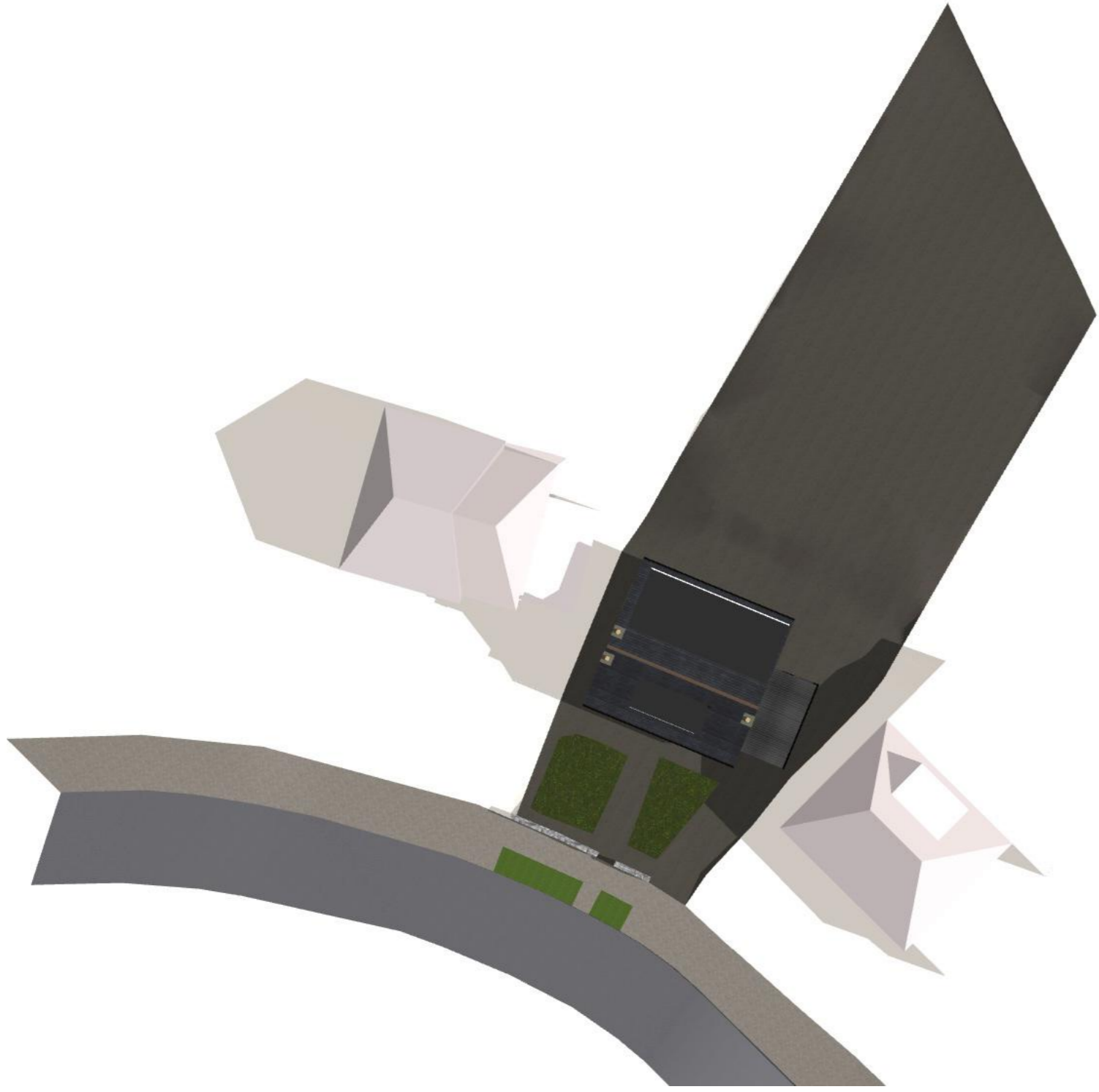
EXISTING + PROPOSED SUN PATH 20th OCTOBER

ISSUE STATUS

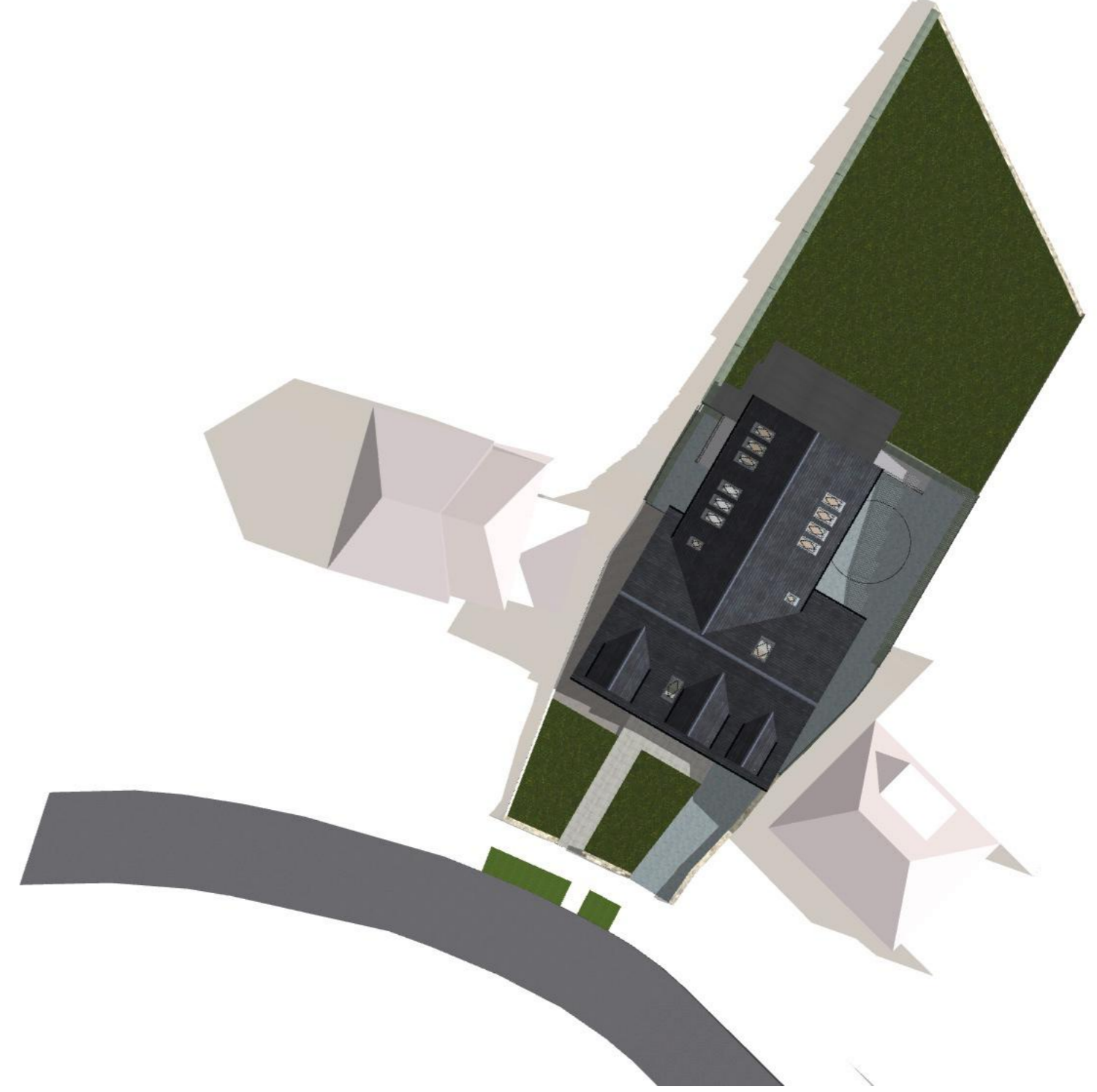
PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	29.03.2024	CB	JC	EM	453	453(PA)016

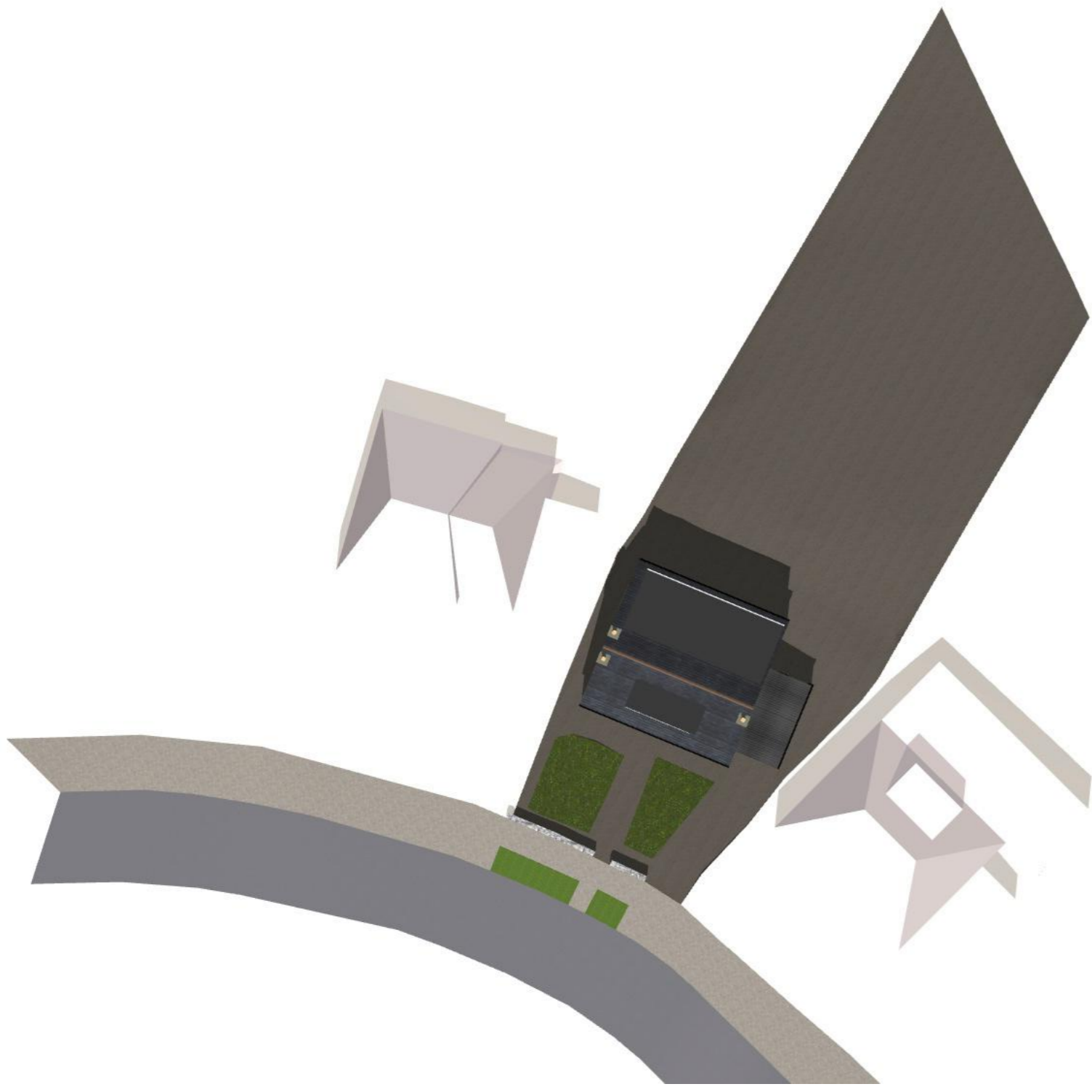




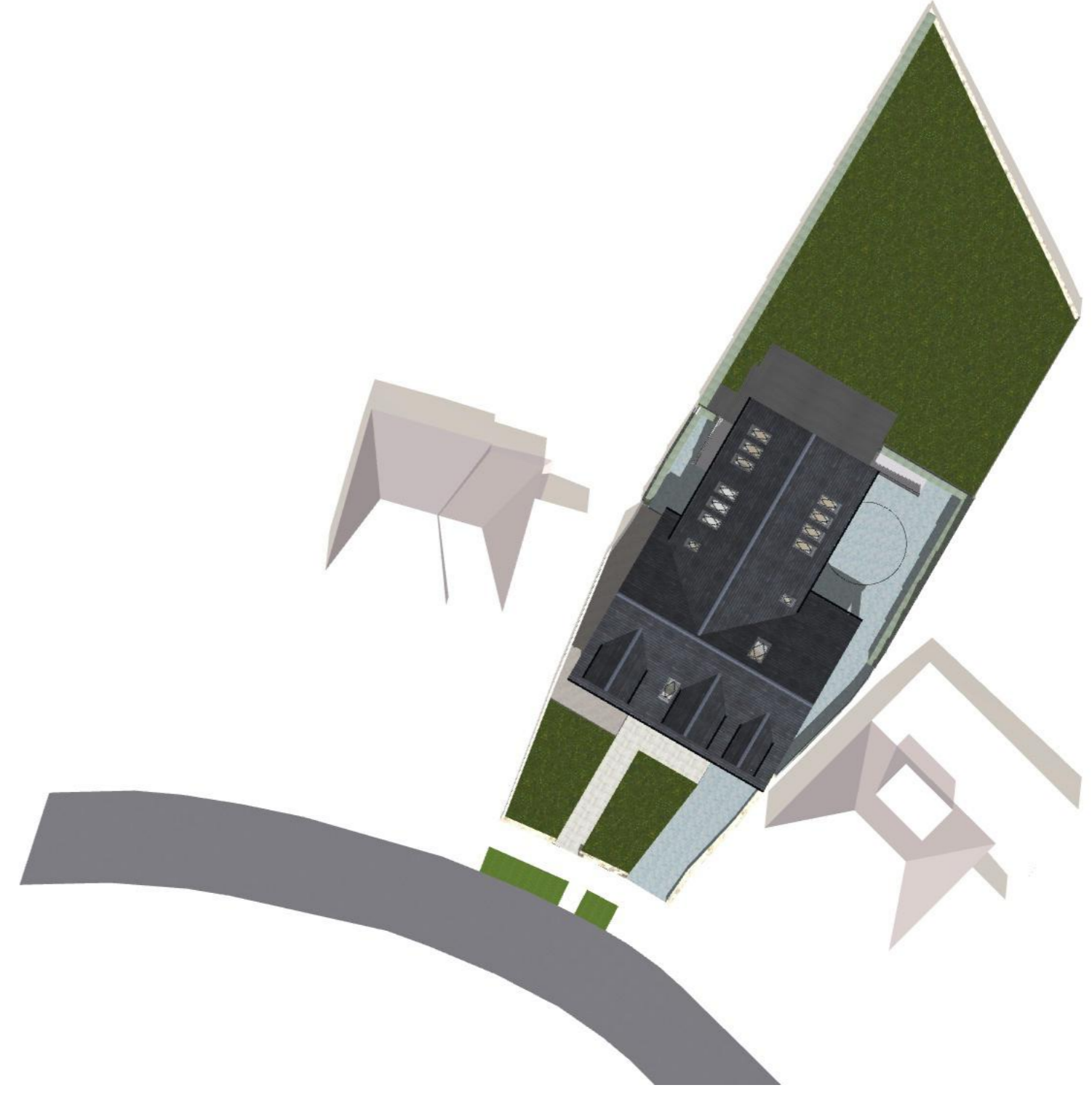
EXISTING JUNE 8am



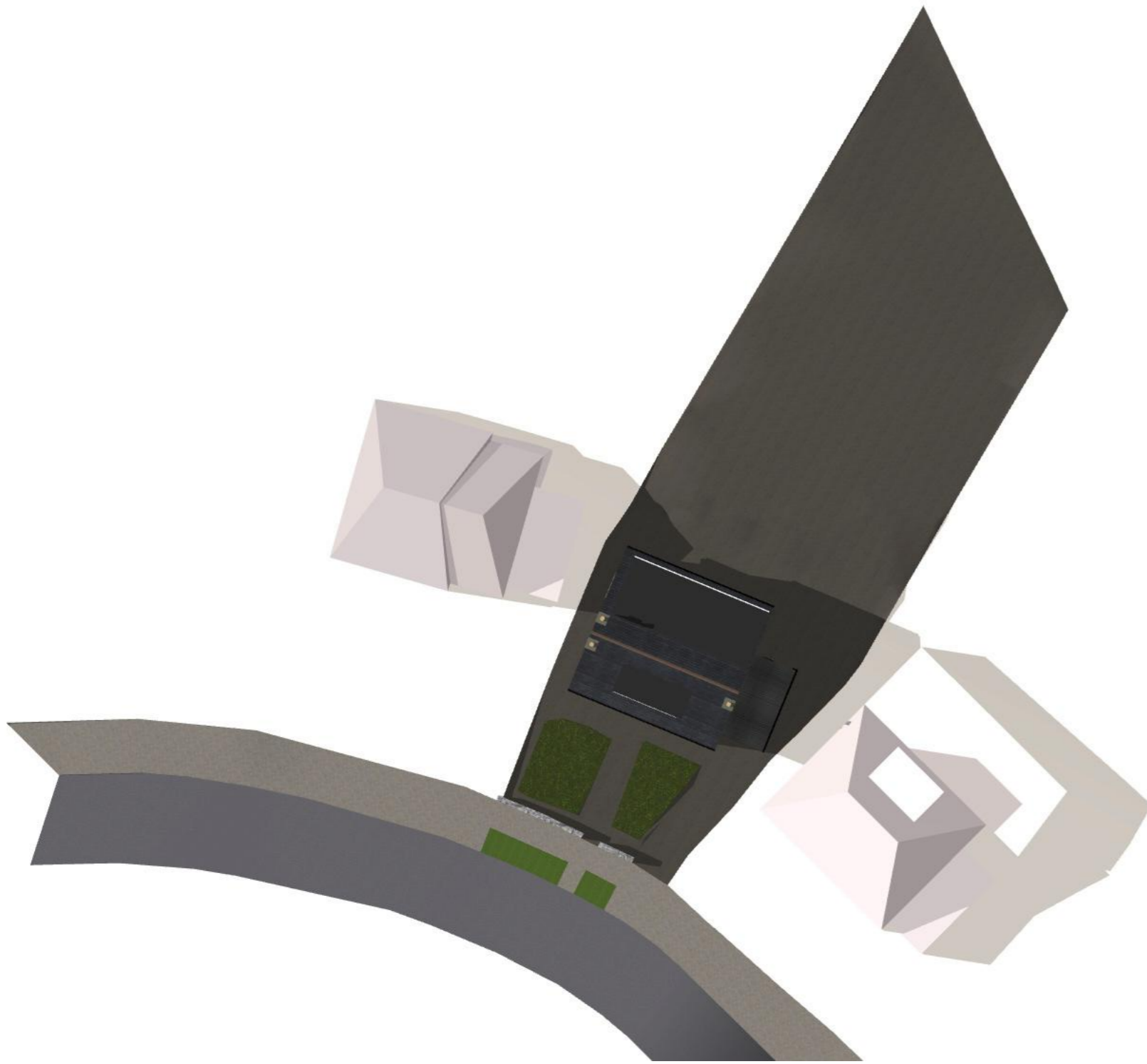
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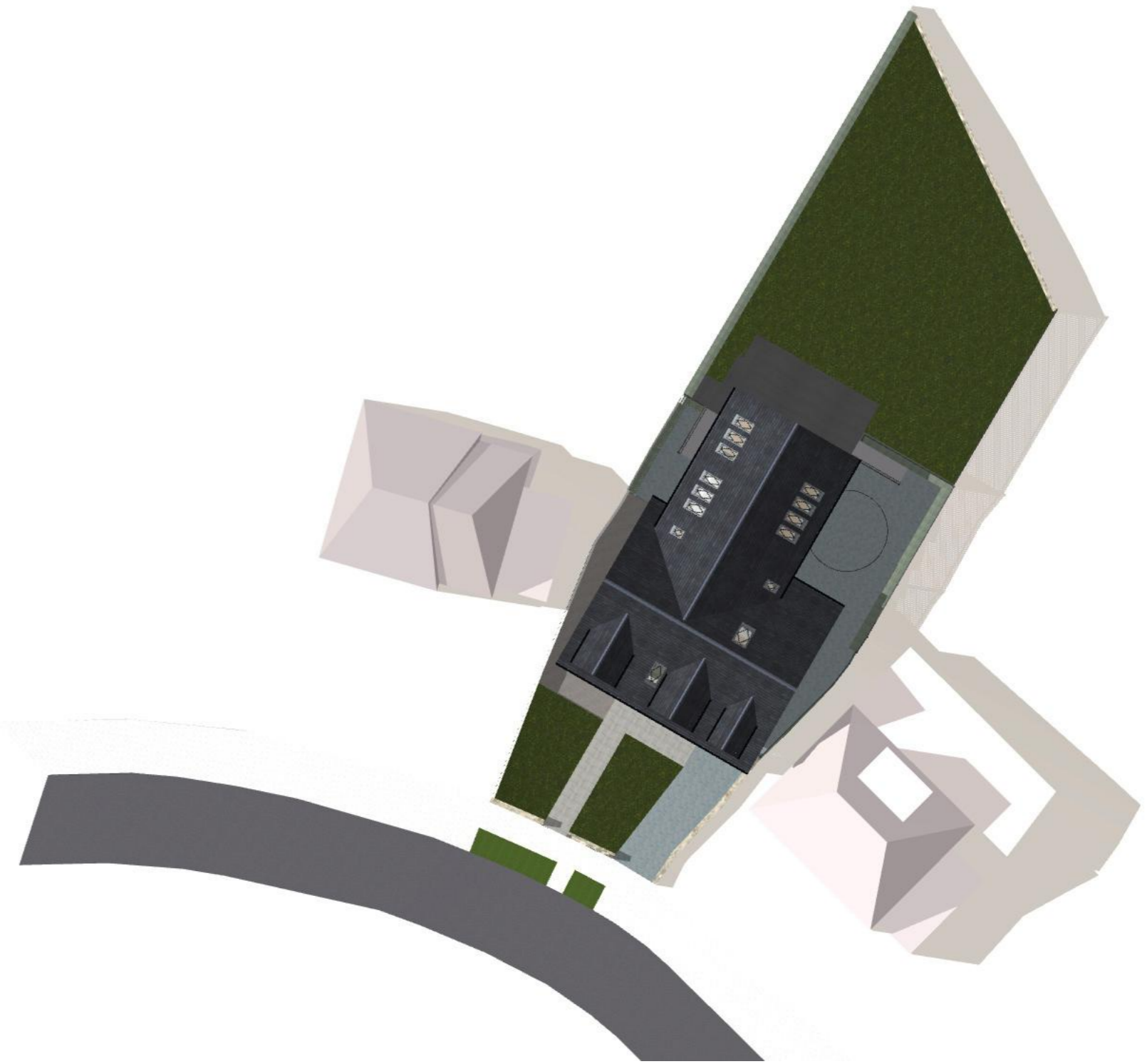
EXISTING JUNE 12pm



PROPOSED JUNE 12pm



EXISTING JUNE 5pm



PROPOSED JUNE 5pm

NOTES
 1. Do not scale off this drawing.
 2. All dimensions are in millimetres unless otherwise stated.

Rev.	Drn.	Chk.	App.	Date	Description
A	CB	JC	EM	01.04.2024	NO.6 UPDATED WITH 'AS BUILT'

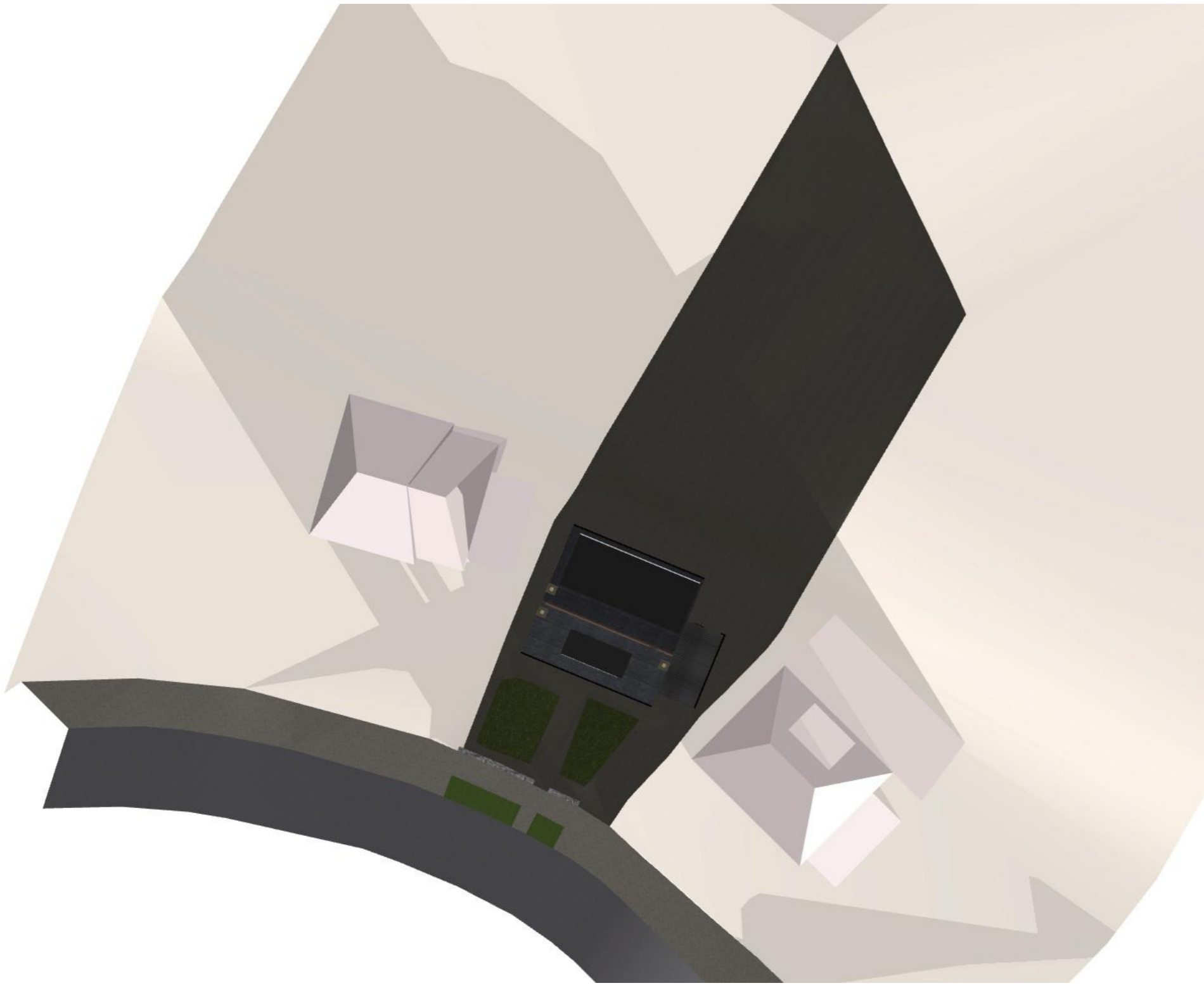
REPLACEMENT DWELLINGHOUSE
 Mr + Mrs Sinclair,
 8 Woodburn Gardens,
 Aberdeen,
 AB15 8JA

DRAWING TITLE
 EXISTING + PROPOSED SUN PATH SUMMER SOLSTICE - REV A

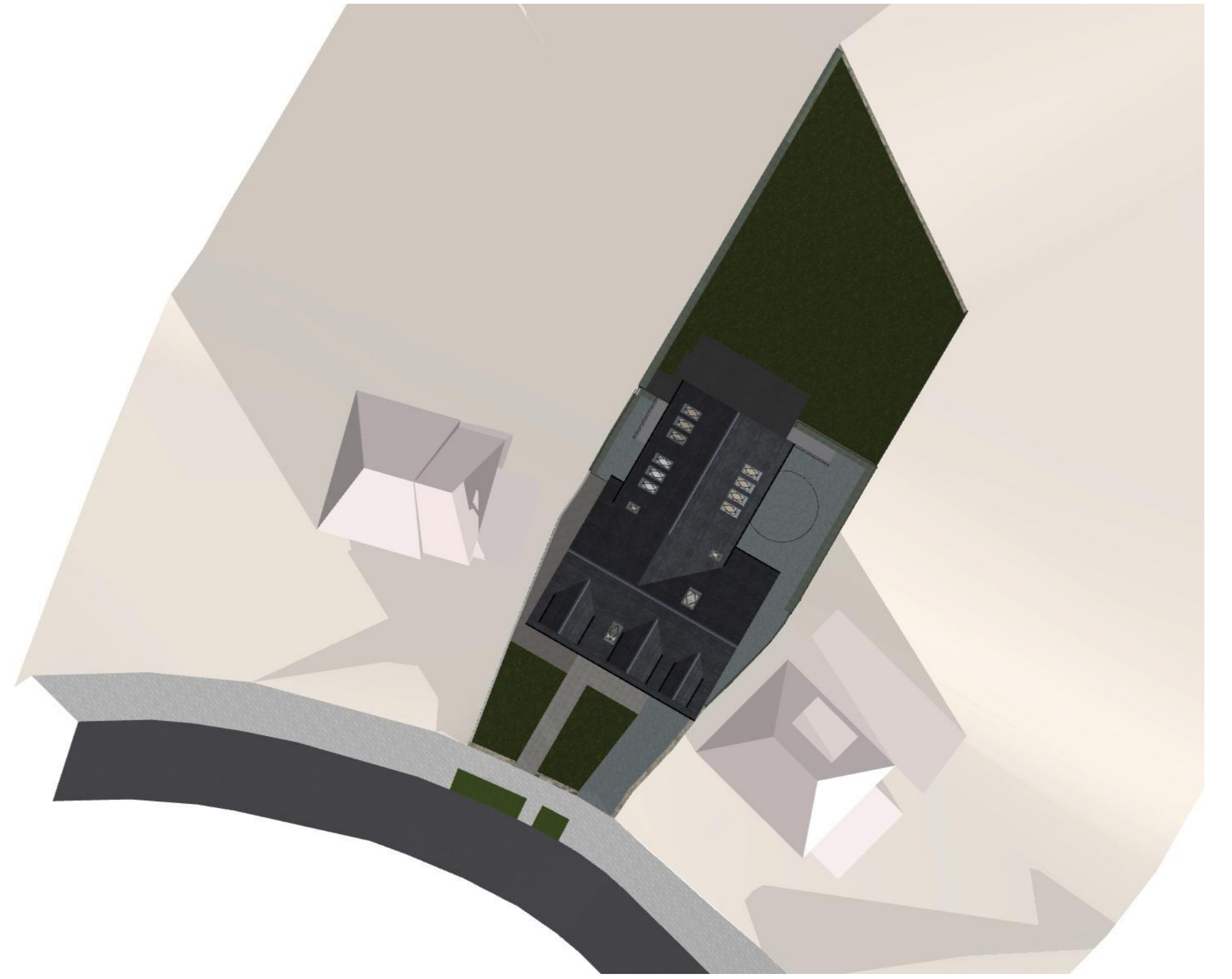
ISSUE STATUS
 PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	16.08.2023	CB	JC	EM	453	453(PA)013





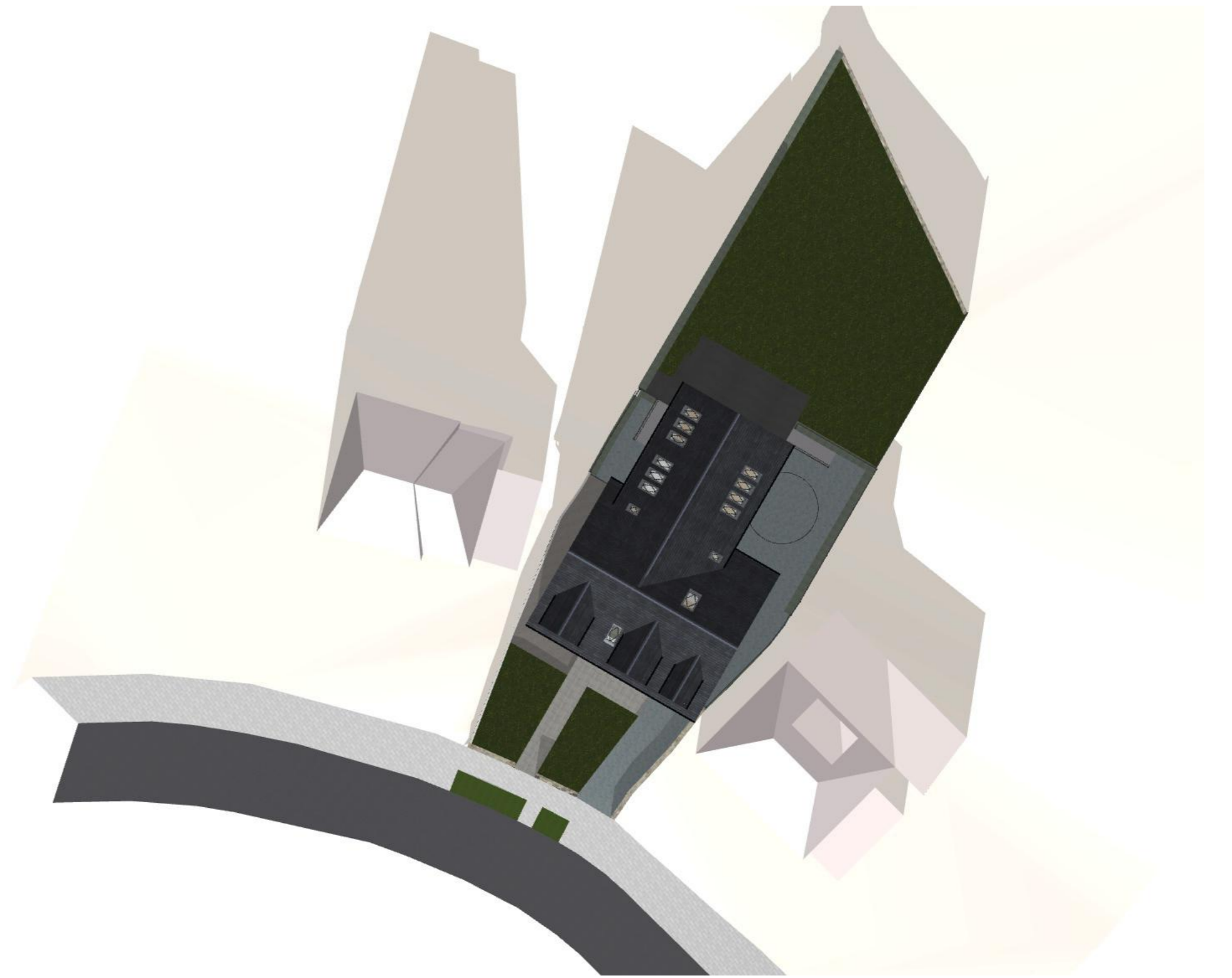
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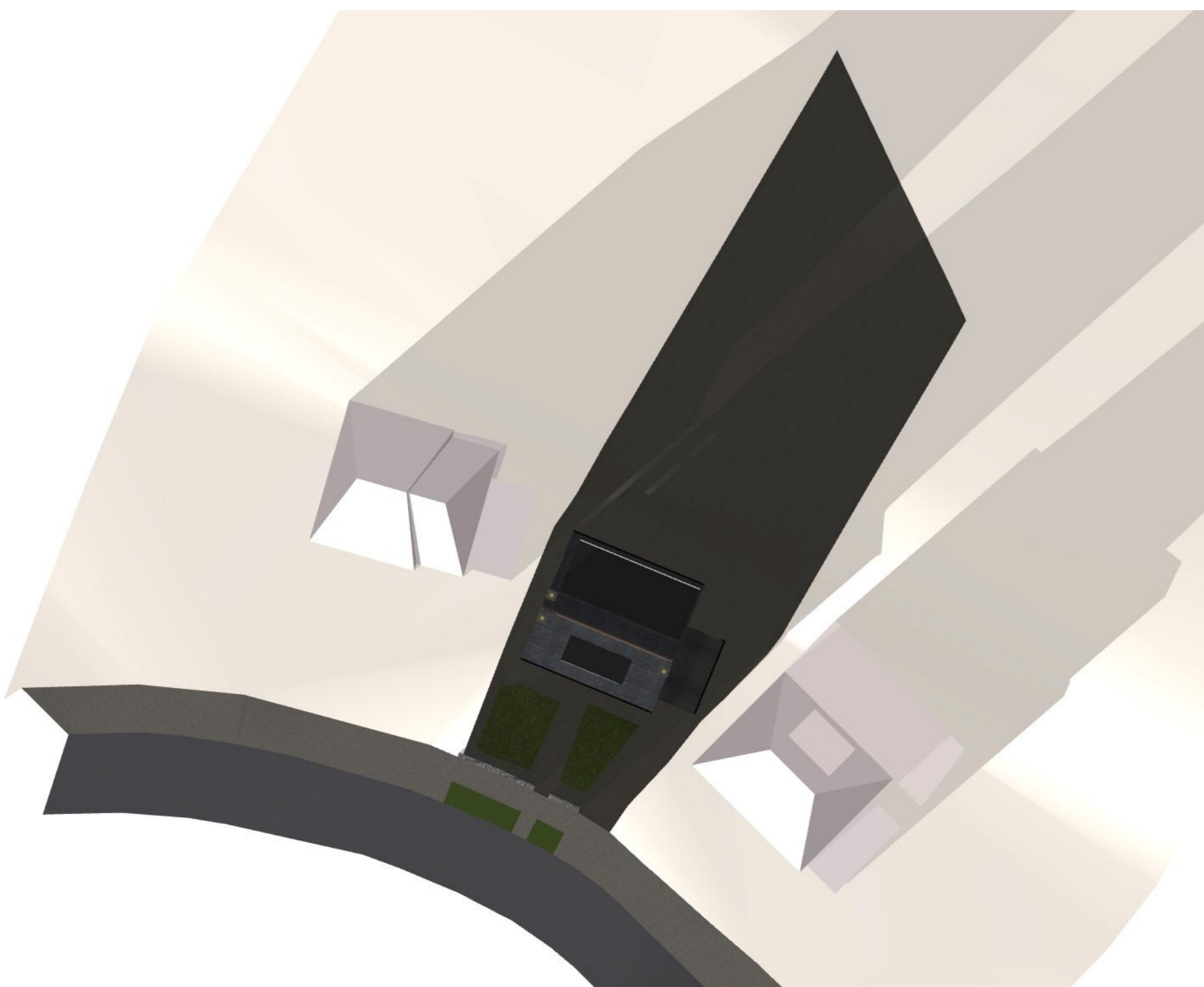
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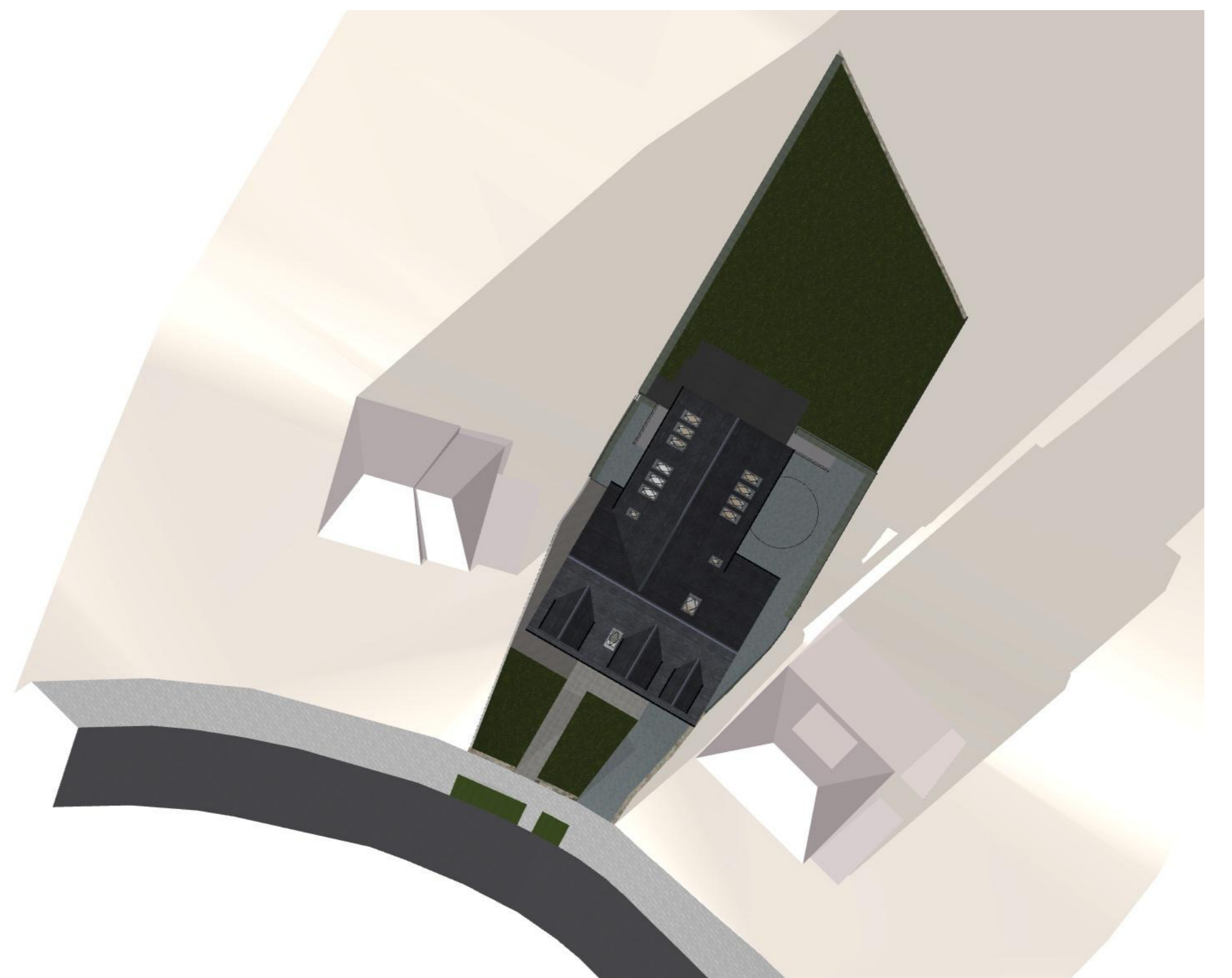
EXISTING DECEMBER 12pm



PROPOSED DECEMBER 12pm



EXISTING DECEMBER 3pm



PROPOSED DECEMBER 3pm

NOTES
 1. Do not scale off this drawing.
 2. All dimensions are in millimetres unless otherwise stated.

Rev.	Drn.	Chk.	Appd.	Date	Description
A	CB	JC	EM	01.04.2024	NO.6 UPDATED WITH 'AS BUILT'

REPLACEMENT DWELLINGHOUSE
 Mr + Mrs Sinclair,
 8 Woodburn Gardens,
 Aberdeen,
 AB15 8JA

DRAWING TITLE
 EXISTING + PROPOSED SUN PATH WINTER SOLSTICE - REV A

ISSUE STATUS
 PLANNING APPLICATION

Scale at A1	Date First Issue	Drawn	Checked	Approved	Job No.	Drawing No.
AS NOTED	16.08.2023	CB	JC	EM	453	453(PA)014



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NUMBER	ABERDEEN CITY COUNCIL PLANNING COMMENTS	MAC ARCHITECTS FEEDBACK ON PLANNING COMMENTS	MAC ARCHITECTS PROPOSED MITIGATIONS
1	Remove the pend and upper floor accommodation on the dwelling's eastern side. This will result in a property width (and spacing) akin to that dominating within the street and will likely alleviate concerns in respect of overshadowing to adjacent property.	Removing the pend and upper floor accommodation will result in the loss of a bedroom which would defeat the purpose of the planning application for our clients who are looking to invest in their site and create a dwellinghouse which meets their current and future family needs. The Aberdeen Planning Guidance (APG) contains no advice on the provision of pends and only requires new dwellings to be in keeping with the established character of the area. However, there is no established character in this area given the range of property sizes and designs in the vicinity. This has been accepted by the planning officer stating "it is recognised there is no unified design to these dwellings" (No. 2-30 Woodburn Gardens). It is also accepted by the planning officer the design and character of No. 32-40 Woodburn Gardens is different again. We note a property with a pend is located at No. 209 Springfield Road - Photo enclosed to email. We also note the position of two dwellinghouses at the corner of Springfield Road and Queens Road Aberdeen - Photo enclosed to email.	To soften the perceived width of the proposed dwellinghouse we propose to hip both sides of the main gables. Please note the concerns of overshadowing will be addressed within Point No.9 below.
2	Reduce the overall ridge height of the property to no higher than the existing dwelling, or to that of 6 or 10 Woodburn Gardens, whichever is the greater.	The proposed ridge height of the dwellinghouse is +105.150 which matches the ridge height of No.10 Woodburn Gardens. It is noted that within the original pre-app this was requested by planner Mr Ross McMahon and we revised the roof pitch from 45 degrees to 40 degrees. The previous change to match the neighbouring dwellinghouse therefore complies with the APG as it complements the adjacent dwellinghouse.	No further mitigations are proposed. Clarification is requested from the planning officer.
3	Reduce the ridge height and overall projection of the remaining, larger, dormers. The position/location of the balcony elements can remain; however, the face of the dormers should be brought back in line with the balcony doors. This will reduce their scale and impact within the street scene.	The proposed dormer roofs are designed with consideration to the latest 'Scottish Building Regulations - Overheating' which requires all proposed dwellinghouses to consider the impact of excessive solar gain to south facing elevations. The provision of the roof elements creates natural shading from summer sun and prevents the overheating of the dwellinghouse. The configuration of the roof profiles to each of the dormer balconies also creates a sheltered area outwith the first floor apartments for the occupants. We note No.2 Woodburn Gardens has a much larger balcony area with protruding roof profile showing there is precedent on the street for this element of design - Photo enclosed to email.	Proposed change of roof pitch from 45 degrees to 40 degrees to dormer roofs to minimise the overall mass.
4	Reduce the eaves level of the rear projection/wing – the reduction doesn't necessarily need to match that of the main body of the house; however, the discrepancy in height should be reduced by no less than 50%.	This point was discussed verbally with Ross McMahon that it wasn't possible to drop the eaves height of the rear projection as the eaves height is required to form sufficient headroom within the kitchen and dining rooms. Please refer to Section 11 on drawing 453(PA)011 PROPOSED SECTIONS 10 to 12. Ross McMahon stated provided we created no detrimental overshadowing and the external facade could be altered with materials which minimise the impact of the massing then this in principal could be accepted. He also understood the rationale the dwellinghouse had been designed to the site topography and this was the reason the pitched roof form was configured respectfully to the surroundings and when viewed from the neighbouring plots it would be observed as a single storey extension meeting the garden level. We had discussed creating this wing as a mansard structure however agreed in line with previous supplementary guidance they create a top heavy appearance and a simple pitched roof with dark vertical cladding was the most appropriate solution.	Taking consideration of ex planner Ross McMahon we could alter the vertical façade elements of the rear first floor extension to be slate cladding to blend in with the roof if required.

PLANNING REF 231043

DATE 07.02.2024

CLIENT MR & MRS SINCLAIR

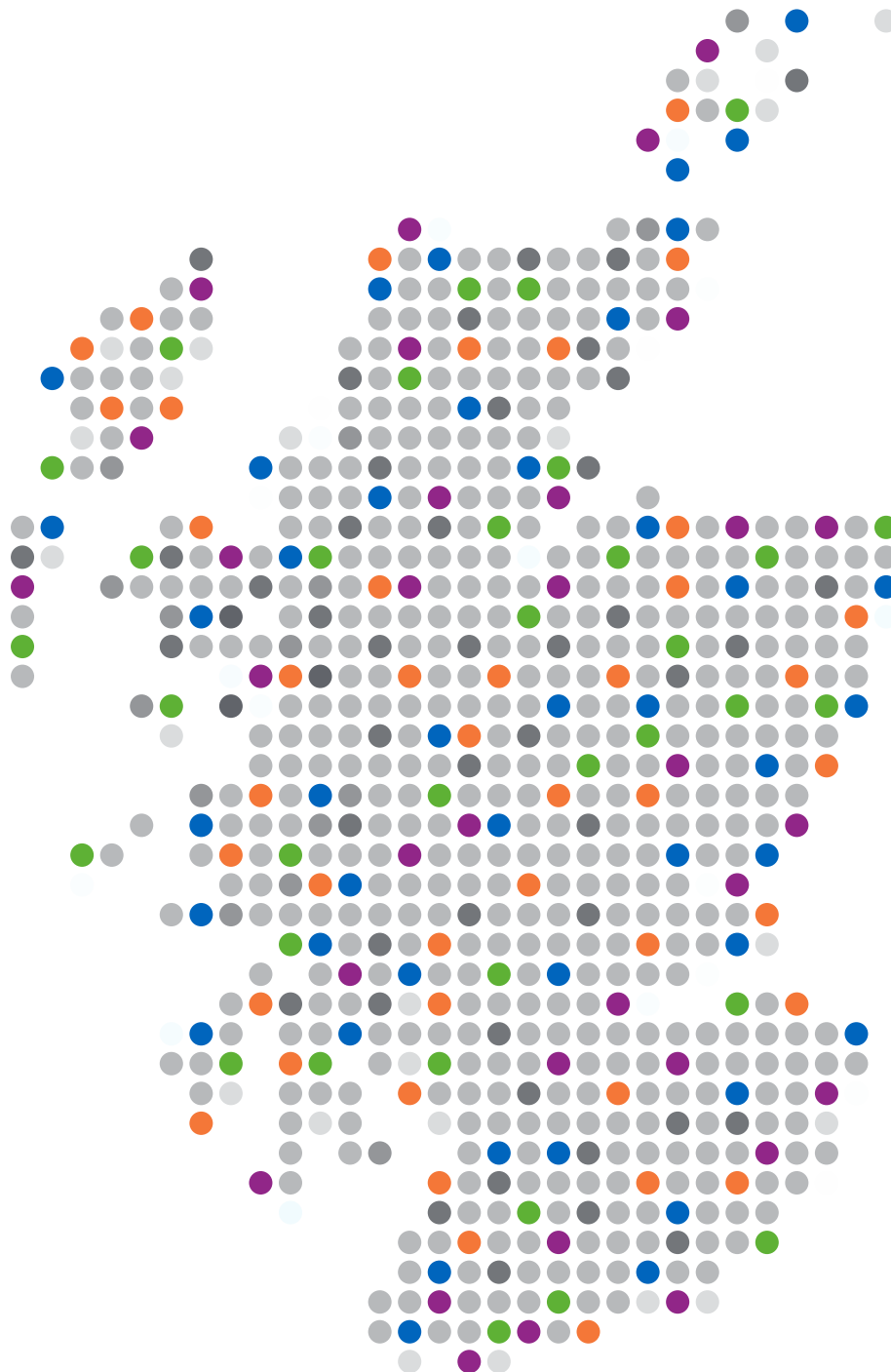
PLANNING APPLICATION COMMENTS & PROPOSED MITIGATIONS & FEEDBACK

Page 208

NUMBER	ABERDEEN CITY COUNCIL PLANNING COMMENTS	MAC ARCHITECTS FEEDBACK ON PLANNING COMMENTS	MAC ARCHITECTS PROPOSED MITIGATIONS
5	It is recognised that the curtilage is a sufficient size extending to approximately 809sqm and having carried out calculations, the development represents approximately 30% of the site. However, upon undertaking a desk top assessment of the level of development along Woodburn Gardens, the average works out to be approximately 26%. Therefore, the proposed development exceeds the general density of the surrounding area and is therefore unacceptable.	In the first instance, 26% and 30% are considered to be similar plot densities and each dwelling will be responding to differing site characteristics. In any case, APG is specific on this and states that "no more than 33% of the total site area for each individual curtilage should be built upon". Based on MAC calculations on footprint vs site curtilage we measure this as being 20.3% (164.5m ² of 809m ² of site) which is well within that requirement and is less than adjacent properties that are approximately 26%. It is therefore argued that the proposal is compliant with guidance in this regard.	Clarification is requested on the calculation carried out by the planning officer.
6	When looking at the dwellings numbered 2 to 30 Woodburn Gardens, no dwelling has been extended to such a degree within the rear curtilage. While it is recognised that there is no unified design to these dwellings or indeed their plot size, these properties are of the same character and there is a high degree of consistency in respect of their modest size, scale and massing and it is these properties that have been used to undertake this assessment. That is not to say that the properties numbered 32 to 40 Woodburn Gardens are not being considered, however, the design and character of these dwellings is different, as such, it is considered necessary to assess the proposal against the prevalent character of Woodburn Gardens, which is reflected in No's 2-30.	The planning officer accepts that there is "no unified design" to dwellings and that the properties further along the street are different again. It is not considered fair, or acceptable to refuse the application for reasons that our design is not the same as dwellings in the area, when they all differ in scale and typology. Its important to note that the dwellinghouse has been proposed to tie in with the topography of the site and future proof the living for the homeowners. We also note a variation to the character within the noted No.2-30 as No.2A is a bungalow.	No mitigations proposed.
7	The Planning Service are of the opinion that Woodburn Gardens is characterised by modest one-and-a-half-storey properties with flat roofed dormers, accepting that the roof styles differ throughout, but generally the dwellings are uniformly spaced and equally separated by driveways and small, lean-to, single-storey garages, with only a few dwellings having been extended to the side. I would also like to point out that no dwelling along Woodburn Gardens has a pend such as the one proposed.	We feel the assessment of 'modest' properties is subjective regarding the streetscape of Woodburn Gardens. The overall height, massing and density is in line with APG. We note a dwellinghouse has a pend on Springfield Road (as per comment No.1) so why is it acceptable on this street and not Woodburn Gardens?	Would a garage door on the 'pend' be acceptable as a mitigation if the concern is the appearance of the pend?
8	While you advise that the dwelling does match the character of the street, no street scape details/elevations have been provided to show this and it is considered that there would be an impact on visual amenity. Street elevation, which will need to show, at least, the neighbouring properties to the east and west, i.e. 4 and 6 Woodburn Gardens and 10 and 12 Woodburn Gardens.	MAC Architects propose to issue a photomontage streetscape looking both East and West capturing properties from No.4 Woodburn Gardens to No.12 Woodburn Gardens. Please confirm acceptance of this proposal and this will be prepared and uploaded to the planning portal for consideration.	No mitigations proposed.
9	With respect to residential amenity, while the sun path analysis has been submitted, this only shows the months of June and December, no information has been submitted in respect to March or October and such information would be required to establish whether there would be an impact on the neighbouring properties. Furthermore, there is likely to be a daylight impact on the window of the west elevation of the neighbouring property at 6 Woodburn Gardens. However, I cannot undertake this assessment as the neighbouring property is not shown on any of the plans.	MAC Architects propose to create additional sun studies for March and October to show the overshadowing impact to the neighbouring properties. The neighbouring properties will also be updated on the drawings. Please confirm acceptance of this proposal and this will be prepared and uploaded to the planning portal for consideration.	No mitigations proposed.



National Planning Framework 4



Part 2 – National Planning Policy



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

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

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

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

Key policy connections:

All other policies.

Brownfield, vacant and derelict land and empty buildings

Policy Principles

Policy Intent:

To encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development.

Policy Outcomes:

- Development is directed to the right locations, maximising the use of existing assets and minimising additional land take.
- The contribution of brownfield land to nature recovery is recognised and opportunities for use as productive greenspace are realised where appropriate.
- Derelict buildings and spaces are regenerated to improve wellbeing and transform our places.

Local Development Plans:

LDPs should set out opportunities for the sustainable reuse of brownfield land including vacant and derelict land and empty buildings.

Policy 9

- Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.
- Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

- Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.
- Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Historic assets and places](#)

[Zero waste](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Health and safety](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Culture and creativity](#)

Zero waste

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that is consistent with the waste hierarchy.

Policy Outcomes:

- The reduction and reuse of materials in construction is prioritised.
- Infrastructure for zero waste and to develop Scotland's circular economy is delivered in appropriate locations.

Local Development Plans:

LDPs should identify appropriate locations for new waste management infrastructure to support the circular economy and meet identified needs in a way that moves waste as high up the waste hierarchy as possible.

Policy 12

- a) Development proposals will seek to reduce, reuse, or recycle materials in line with the waste hierarchy.
- b) Development proposals will be supported where they:
 - i. reuse existing buildings and infrastructure;
 - ii. minimise demolition and salvage materials for reuse;
 - iii. minimise waste, reduce pressure on virgin resources and enable building materials, components and products to be disassembled, and reused at the end of their useful life;
 - iv. use materials with the lowest forms of embodied emissions, such as recycled and natural construction materials;
 - v. use materials that are suitable for reuse with minimal reprocessing.
- c) Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
 - i. provision to maximise waste reduction and waste separation at source, and
 - ii. measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- d) Development proposals for waste infrastructure and facilities (except landfill and energy from waste facilities) will be only supported where:
 - i. there are no unacceptable impacts (including cumulative) on the residential amenity of nearby dwellings, local communities; the transport network; and natural and historic environment assets;
 - ii. environmental (including cumulative) impacts relating to noise, dust, smells, pest control and pollution of land, air and water are acceptable;
 - iii. any greenhouse gas emissions resulting from the processing and transportation of waste to and from the facility are minimised;
 - iv. an adequate buffer zone between sites and sensitive uses such as homes is provided taking account of the various environmental effects likely to arise;
 - v. a restoration and aftercare scheme (including appropriate financial mechanisms) is provided and agreed to ensure the site is restored;
 - vi. consideration has been given to co-location with end users of outputs.
- e) Development proposals for new or extended landfill sites will only be supported if:
 - i. there is demonstrable need for additional landfill capacity taking into account Scottish Government objectives on waste management; and
 - ii. waste heat and/or electricity generation is included. Where this is considered impractical, evidence and justification will require to be provided.

- f) Proposals for the capture, distribution or use of gases captured from landfill sites or waste water treatment plant will be supported.
- g) Development proposals for energy-from-waste facilities will not be supported except under limited circumstances where a national or local need has been sufficiently demonstrated (e.g. in terms of capacity need or carbon benefits) as part of a strategic approach to residual waste management and where the proposal:
- i. is consistent with climate change mitigation targets and in line with circular economy principles;
 - ii. can demonstrate that a functional heat network can be created and provided within the site for appropriate infrastructure to allow a heat network to be developed and potential local consumers have been identified;
 - iii. is supported by a heat and power plan, which demonstrates how energy recovered from the development would be used to provide electricity and heat and where consideration is given to methods to reduce carbon emissions of the facility (for example through carbon capture and storage)
 - iv. complies with relevant guidelines published by Scottish Environment Protection Agency (SEPA); and
 - v. has supplied an acceptable decarbonisation strategy aligned with Scottish Government decarbonisation goals.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Compact urban growth

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Energy](#)

[Infrastructure first](#)

[Heat and cooling](#)

[Community wealth building](#)

[Minerals](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- Development proposals will be supported where they are consistent with the six qualities of successful places:

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

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

Policy impact:

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

Key policy connections:

[All other policies.](#)

Aberdeen Local Development Plan 2023

7. Quality Placemaking

7.1 Quality placemaking is at the core of planning in Aberdeen. National Planning Framework 4, Creating Places: A Policy Statement on Architecture and Place for Scotland, and Designing Streets promote the delivery of well-designed places and sustainable communities through a design led approach to planning. Quality placemaking creates places where people want to live, work, play and visit.

7.2 Quality placemaking is a holistic, multidisciplinary and collaborative approach. Its focus is creating development that sustains and enhances the social, economic, environmental, health and cultural attractiveness of the city. This approach is not restricted to influencing the appearance of a building, street or place; it considers an area's context, and balances the range of interest and opportunities to create multiple interconnected benefits. Successful placemaking can create positive place identity, foster a sense of community, belonging, social connections and social capital, deliver urban renewal and regeneration and promote sustainability, health, wellbeing, and mitigate and adapt the impacts of climate change. It is a material consideration in determining applications. Placemaking can be measured by six essential qualities: **a distinct identity, welcoming, safe and pleasant, easy to move around, adaptable to changing circumstances and is resource efficient.**

7.3 All development must follow a thorough process of site context appraisal to arrive at an appropriate proposal. Context will differ from site to site, however significant characteristics include: siting, scale, mass, detail, proportion, materials, colour, orientation, land designation, surrounding uses, transportation and connectivity, existing building heights, landscape, natural heritage features, topography, views and the relationship to streets and open space, both public realm and green space. Not all development will be of a scale to make a significant placemaking impact, however all good design and detail adds to the attractiveness of the built and natural environment and careful consideration is crucial. All development, from window replacements to large developments, represent an opportunity to add to the rich placemaking legacy of our built environment, and contribute towards creating successful, sustainable places with a strong and distinctive sense of place.

7.4 Aberdeen encourages an engaging, design-led approach to secure quality placemaking through the appropriate use of pre-application discussion, and the application of the placemaking process.

Policy D1 – Quality Placemaking

All development must ensure high standards of design, create sustainable and successful places and have a strong and distinctive sense of place which is a result of detailed contextual appraisal.

Proposals are required to ensure:

- quality architecture, craftsmanship and materials;
- a well considered layout, including biodiverse open space, high quality public realm and landscape design;
- a range of sustainable transportation opportunities ensuring connectivity commensurate with the scale and character of the development.

Successful places will sustain and enhance the social, economic, environmental, wellbeing and cultural attractiveness of the city. Proposals will be considered against the following six essential qualities.

- distinctive
- welcoming
- safe and pleasant
- easy to move around
- adaptable
- resource efficient

A design strategy will be required to be submitted that demonstrates how a development meets these qualities. The design, scope and content will be proportionate to the scale and/or importance of the proposal.

Aberdeen Planning Guidance: Aberdeen Placemaking Process provides guidance where the production of planning briefs, development frameworks and masterplans are required.

Criteria: Six Qualities of Successful Placemaking

7.5 The section below provides further guidance on the six qualities of successful placemaking. The criteria used in assessing an application will be relevant to the scale, character and nature of the proposal.

Distinctive

- responds to the site context and is designed with due consideration to siting, scale, massing, colour, orientation, details, footprint, proportions and materials
- retains and re-uses built or natural assets as features of the site
- protects and enhances the city's important views and creates new views
- is well planned with high quality design, materials and craftsmanship
- complements the established distinctive consistency of materials of an existing streetscape
- reinforces established patterns of development
- reflects local styles and urban form
- development complements local features, such as spaces and scales, street and building forms, materials, landscapes, topography, ecology, and skylines, to create places with a sense of identity
- soft and hard landscaping throughout the site are specified, and maintained, adding visual identity that connect buildings and spaces, and supports climate change adaptation
- where appropriate, uses public art within the public realm to ensure sense of identity

Welcoming

- well detailed, where materials, colour, texture and proportion are considered
- easy to find your way around through a well ordered and inclusive layout with a hierarchy of streets for transportation and recreation
- creates an attractive and defined entrance to the development, the local area or building
- has an attractive and active street frontage
- includes appropriate signage and distinctive lighting to improve safety and highlight attractive buildings

Safe and Pleasant

- designed with pedestrian movement as the priority
- avoids unacceptable impacts on adjoining uses, including noise, smell, vibration, dust, air quality, invasion of privacy and overshadowing
- enables natural surveillance of public spaces through active frontages and does not create spaces which are unsafe or likely to encourage or facilitate crime
- distinguishes between private and public space

- inclusive in its design and creates accessible environments
- incorporates appropriate lighting to avoid creating dark shadows or bright glare
- is not at unacceptable risk of flooding or increases flood risk elsewhere

Easy to get to / move around

- prioritises sustainable and active travel
- provides well connected links within the development and connects to adjacent existing, and proposed, active travel networks & public transport facilities
- places the movement of pedestrians and cyclists above motor vehicles
- provides well connected links to community services and facilities
- provides places to stop and rest for pedestrians
- provides cycle and motor bike storage and complementary facilities

Adaptable

- particularly in areas that are subject to change (e.g. town centres and industrial areas) new development is constructed in a manner suitable for a range of future uses
- new housing should be designed accommodate future internal alteration to sustain reconfiguration suitable for future occupants
- mix of building tenures, densities and typologies
- support climate change mitigation and adaption including increased rainfall, flood risk implications, solar shade and shelter

Resource efficient

- reuses existing buildings and brownfield sites
- encourages movement and journeys by sustainable transport
- maximises efficiency of the use of resources through natural or technological means such as low or zero carbon energy-generating technologies, solar orientation and shelter, water saving measures including water capture and reuse, avoidance of carbon rich soils, incorporation of SuDS and blue/green infrastructure
- denser development sharing infrastructure and amenity with adjacent sites
- minimises energy use and loss
- makes use of available sources of heat and power
- uses building materials from local or sustainable sources
- higher density in town centres and areas with convenient access to good public transport services
- provides space for the separation, storage and efficient collection of recycling and waste

Aberdeen Planning Guidance

Energetica provides guidance on how developments within the Energetica corridor will assure quality of placemaking by ensuring developments are adaptable, resource efficient, safe and pleasant, easy to move around, welcoming and distinctive.

Temporary Buildings, provides guidance on how developments of this nature will be expected to assure quality of placemaking by giving consideration to placement, length of time of the proposal, and context. The APG outlines criteria to be satisfied when developments of this nature are proposed.

Amenity

7.6 Amenity has an influence on the quality of life of individuals and communities. Poor amenity can have detrimental impacts on health and wellbeing. Buildings must be fit for purpose and meet the needs of users and occupiers, with consideration given to neighbouring properties to

ensure there are no unreasonable impacts on daylight, sunlight, noise, air quality and outlook. Amenity spaces around buildings must be useable, have a degree of privacy and be designed to include a range of functions appropriate to the building use, such as space for play, seating, food growing, tree planting and drying laundry.

Policy D2 – Amenity

In order to ensure provision of amenity the following principles will be applied.

Development will be designed to:

- make the most of any opportunities offered by the site to optimise views and sunlight through appropriate siting, layout and orientation;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- ensure that occupiers are afforded adequate levels of amenity in relation to daylight, sunlight, noise, air quality and immediate outlook;
- have a public face to the street to ensure natural surveillance, and active street frontages;
- ensure that refuse and recycling facilities, cycle storage, low and zero carbon technology, plant and services are sensitively integrated into the design;
- ensure that external lighting minimises light spillage into adjoining areas and the sky.

Residential developments will also:

- ensure that occupiers are afforded adequate levels of privacy;
- ensure minimum standards for internal floor space and private external amenity space in terms of quantity and quality;
- provide no less than 50% usable amenity space where it is necessary to provide car-parking within a private court. Underground and/or decked parking will be expected in higher density schemes;
- ensure minimal shading of external private and public spaces;
- ensure all residents have access to usable private/ semi-private open spaces and sitting-out areas provided by way of balconies, terraces, private or communal gardens;
- have a private face to an enclosed garden or court to ensure a sense of safety and enclosure.

Further guidance can be found within Aberdeen Planning Guidance: New Developments, and Landscape.

Aberdeen Planning Guidance

New Developments

Aberdeen Planning Guidance (APG) New Developments provides guidance on how developments will ensure suitable amenity is achieved within developments. APG also covers the subdivision and redevelopment of residential curtilages, conversions of buildings in the countryside, city centre living, and space standards. The APG ensures consideration is given to context, the impact on the development on the surrounding built/ natural environment and achieving good amenity.

Big Buildings

7.7 A 'big building' is regarded as one that exceeds the general height of the surrounding built context and/or whose footprint is in excess of the established development pattern, the urban grain, and the surrounding context.

Aberdeen Planning Guidance (APG) Stonecleaning, provides guidance on applications for stonecleaning and the impact they have on the distinctive historic environment of Aberdeen, by setting out criteria and noting the considerable harm to the historic environment and placemaking that can occur due to incorrect stonecleaning.

Our Granite Heritage

7.19 Aberdeen, the Granite City, owes its visual identity and strong sense of place to the consistent and predominant use of locally quarried granite. Granite's qualities of longevity, strength, its range of colours, textures, its embodied energy and the examples of craftsmanship shown within the city have made it a significant local building material. The supply of local granite is now limited and the Council wishes to protect and enhance the city's existing built heritage. Existing features such as setted streets, granite pavements and boundary walls, granite structures and buildings are assets to the city until proven that they can be replaced with development of equal or greater merit.

7.20 Parts of the city are designated as Conservation Areas and many buildings have specific listed status which provides a high level of planning control ensuring that the identity of the Granite City will remain. Conservation Area Character Appraisals record the significant characteristics of an area that should be considered at the outset when development is proposed.

7.21 The Council seeks the sustainable retention and appropriate re-use of all historic granite buildings, structures and features. Demolition is a last resort, and the visible re-use of salvage materials on site is required. This could include its use on building elevations, within landscape design and boundary features.

Policy D7 – Our Granite Heritage

The Council seeks the retention and appropriate re-use, conversion and adaption of all historic granite buildings, structures and features, including setted streets, granite kerbs and granite boundary walls.

Proposals to demolish any granite building, structure or feature, partially or completely, will not normally be granted planning permission, conservation area consent or listed building consent.

Any listed building; structure or feature in the curtilage of a listed building; or any unlisted building, structure or feature in a Conservation Area, may only be demolished where:

- evidence is provided to demonstrate that every effort has been made to retain it, and:
- It is no longer of special interest or cultural significance; or
- It is incapable of meaningful repair; or
- It can be demonstrated the demolition is essential to delivering significant benefits to economic growth or the wider community; or
- Its repair and reuse is not economically viable and that it has been marketed in an open and transparent manner.

Where the tests for demolition are met the visible re-use of salvaged features within the development site is required.

7.22 Windows, doors and their associated features make a substantial contribution to the character of a building and street. They provide an understanding of when a building was

8.13 Managing the use of water and increasing water efficiency is vital to reducing pressures on the River Dee as the region's main source of drinking water, and a Special Area of Conservation. The combination of population and economic growth, along with the effects of climate change, may have a long-term impact on abstraction rates from the River Dee. To alleviate this pressure, it will be necessary to manage the use of this resource through increased water efficiency. Aberdeen Planning Guidance set out the measures necessary to achieve this.

Policy R6 – Low and Zero Carbon Buildings, and Water Efficiency

Low and Zero Carbon Buildings

All new buildings will be required to demonstrate that a proportion of the carbon emissions reduction standard set by Scottish Building Standards will be met through the installation and operation of low and zero carbon generating technology. The relevant Building Standards and percentage contribution required is set out in Aberdeen Planning Guidance. The Aberdeen Planning Guidance will be kept under review to ensure the proportion of the carbon emissions reduction standard to be met by these technologies will increase over time.

This requirement does not apply to:

1. Alterations and extensions to buildings; or
2. Change of use or conversion of buildings; or
3. Ancillary buildings that are stand-alone having an area less than 50 square metres; or
4. Buildings which will not be heated or cooled, other than by heating provided solely for the purpose of frost protection; or
5. Buildings which have an intended life of less than two years.

Water Efficiency

To reduce the pressure on water abstraction from the River Dee, and the pressure on water infrastructure, all new buildings are required to use water saving technologies and techniques. The level of efficiency required, and types of efficiencies are detailed in Aberdeen Planning Guidance. Further guidance on compliance with this policy is contained in Aberdeen Planning Guidance: Resources for New Developments.

Aberdeen Planning Guidance

Resources for New Developments

Aberdeen Planning Guidance (APG) Resources for New Developments provides guidance on how developments will be expected to assess and demonstrate their compliance with the above policy, with regard to the delivery and safeguarding of Resources for New Developments. Accordingly, APG Resources for New Developments includes advice on: density, energy use in new buildings, including passive design and Low and Zero Carbon Generating Technologies, waste and recycling, and water use efficiency.

Renewable and Low Carbon Energy Developments

8.14 The development of all types of renewable heat and energy generating technologies on all scales, including energy storage, is supported in principle. A positive approach to renewable development will help to meet the Scottish Government's target for 100% of Scotland's electricity to be generated from renewable sources by 2020, 11% of non-electrical heat demand to be met by renewable sources by 2020, and 50% of overall energy consumption to be met from renewable sources by 2030. Aberdeen's Local Outcome Improvement Plan stretch outcome 14 states Aberdeen will address climate change by reducing Aberdeen's carbon emissions by 42.5% by 2026 and

9. Meeting Housing and Community Needs

9.1 Our vision for Aberdeen is a place which offers sustainable communities; with a wide choice of housing styles and types to cater to all sections of the population, and where amenity is maintained to a high level to support a high quality of life.

Residential Areas

9.2 H1 areas on the Proposals Map show the city's primary 'residential areas'. Policy H1 is applicable to these areas. There may also be areas of residential use that lie within other areas on the Map that are not shown as such. Notwithstanding, proposals for residential use outside of H1 areas will provide the same level of design and amenity as H1 areas. This is essential in delivering a good quality of living – also see the Quality Placemaking by Design section of this Plan.

Policy H1 – Residential Areas

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

1. does not constitute over-development; and
2. does not have an adverse impact to residential amenity and the character and appearance of an area; and
3. does not result in the loss of open space.

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.

Aberdeen Planning Guidance

Aberdeen Planning Guidance (APG): Householder Development Guide supports the above policy and Policy D6: Historic Environment by providing guidance to ensure householder developments and works to residential properties now in non-domestic use are of a good quality design, carefully sited and give due consideration to scale, context and design of the parent building to ensure development does not erode the character and appearance of the area.

The APG outlines criteria to be satisfied with regards to extensions, ancillary buildings, dormer windows, roof extensions, roof lights, satellite dishes, decking, boundary enclosures, micro-renewables, and driveways.

Further criteria are given on change of use from amenity space to garden ground, again to ensure quality of place is retained; there will be no detriment to amenity space or visual amenity within the locality, and the distinctive character and appearance of the area will not be eroded.

Mixed Use Areas

Policy H2 - Mixed Use Areas

Applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity. Where new housing is proposed, a satisfactory

residential environment should be created which should not impinge upon the viability or operation of existing businesses in the vicinity. Conversely, where new industrial, business or commercial uses are deemed appropriate, development should not adversely affect the amenity of people living and working in the area.

Density

9.3 A minimum density of 50 dwellings per hectare (net) has been set by the Strategic Development Plan for all developments over one hectare. How attractive a place feels is a matter of the design and it will be for the masterplan or planning application to determine which areas could accommodate higher or lower densities across a site, provided an overall density that makes efficient use of land is achieved.

9.4 In the interests of sustainability and efficient use of land, higher density developments are generally encouraged. Higher densities also have the benefit of helping to maintain the vitality and viability of local services and facilities, allow for the effective provision of public transport, encourage active travel, enhance the economic viability of development and increase energy efficiency.

9.5 The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. The density of a proposal will reflect the context of the site and that of the proposed development. If done well, imaginative design and layout of development can lead to a more efficient use of land without compromising the local environment.

Policy H3 – Density

The Council will seek an appropriate net density of development on all housing allocations and windfall sites. Net dwelling density includes those areas which will be developed for housing and directly associated uses, including access roads within the site, garden ground and incidental open space.

For all residential developments over one hectare, the net density of new development is generally sought at no less than 50 dwellings per hectare. This is to achieve efficient use of land in terms of the scale and layout of the site and its context.

Higher densities are expected within the city centre, in and around town centres, public transport nodes and on brownfield sites.

Housing Mix and Need

9.6 It is important to achieve a good mix of size, type and tenure of dwellings across both the market and affordable components of proposals for residential development. This approach helps to create mixed and inclusive communities by offering a choice of housing and lifestyle, and add value to the urban design process. The character of the area, site characteristics, the market and housing need will dictate different mixes on different sites across Aberdeen.

9.7 Policy H4 requires sites of larger than 50 homes to provide a masterplan to set out a suitable mix. A mix is desirable on all sites across both their market and affordable components. Smaller sites

should demonstrate a suitable mix of type and tenure, or demonstrate why this is not possible. This policy does not apply to proposals for 'specialist' developments such as student housing and sheltered housing.

9.8 A mix of housing size, type and tenure is important due to the changes in the age profile of Scotland toward an ageing population. Nationally, the percentage of the population over age 65 is one of the fastest growing age groups. National planning policies support proposals for new homes which address identified gaps in provision, which could include homes for older people, including supported accommodation, care homes and sheltered housing. The Aberdeen City and Aberdeenshire HNDA (2017) finds that between 2014-2039, the percentage growth rate of those aged 65-68 years is 20%. The increase in those aged 75+ is around 65%.

9.9 The HNDA has found changes in the city's demographic profile with largest growth being seen in these older-age sectors. It also finds that there is a limited range of housing options for older people other than sheltered housing or residential care, and there is a lack of affordable housing of suitable size and design to suit this group.

9.10 It is therefore important that we encourage suitable housing choice for the local population in order to help facilitate independent, affordable living. This may be achieved by adaptable design of homes, or by targeted development such as:

- Age-restricted general market housing; also known as 'over-55s living' which is exclusive to residents of a minimum age, and generally does not include care provision but may include shared amenities, such as amenity space.
- Retirement or sheltered housing; purpose-built accommodation that may include support to enable independent living, with shared on-site amenities.
- Extra care housing or retirement communities; purpose-built accommodation with a higher level of care available and extensive shared amenities. This allows residents to benefit from varying levels of care as time progresses.
- Residential care homes or nursing homes; accommodation that provides a high level of care for those unable to live independently. See Policy WB4: Specialist Care Facilities.

These are just some of the common examples of how housing for the older population can be delivered and is not a definitive list. Specialist housing may also be required for those that do not fall into the 'older people' category.

Policy H4 – Housing Mix and Need

Housing developments of larger than 50 units are required to achieve an appropriate mix of dwelling types and sizes, in line with a masterplan. This mix should include smaller 1 and 2 bedroom units and should be reflected in both the market and affordable housing contributions.

An appropriate housing mix is expected in housing developments to reflect the diverse housing need in the area; this includes older people and disabled people. Where possible, housing units should demonstrate a design with accessibility and future adaptability in mind.

For smaller developments (fewer than 50 units), a suitable mix of dwelling types and tenure will be provided in the interests of placemaking and local housing need and demand.

Aberdeen Planning Guidance 2023: Householder Design Guide

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1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy D1 – Quality Placemaking
- Policy D2 – Amenity

Given the timing of the Local Development Plan, a pragmatic approach has been taken to changes in the planning system. National Planning Framework 4 (NPF4) was adopted following the examination and subsequent modification of the Local Development, and the publication of a draft version of this APG for consultation. As a result, some terminology referred to in this APG may vary from the new NPF4 policy framework but it should be noted that the LDP together with NPF4 now forms the basis of the statutory development plan.

1.2 Introduction to Topic / Background

The aim of this guidance is to promote high quality design solutions, foster greater consistency in planning decision making, promote and encourage the use of traditional materials and building techniques and to restrict the incremental expansion of traditional buildings.

1.3 Climate Change

This document strives to direct development in a manner which will protect and enhance the good character of Aberdeen and thus encouraging the ongoing economic and social vitality throughout the townscape which characterises the city. The ability to adapt existing building stock to meet users' needs will also make best use of embodied carbon. This document therefore aligns with the [UN Sustainable Development](#) Goal 11: Sustainable

Cities and Communities. The document also aligns with [Aberdeen Adapts](#) Goal 1: Protecting buildings and preserving heritage, by understanding the risk to built heritage and addressing climate change through design and planning decisions.

1.4 Health and Wellbeing

Where we live, where we work, and where we spend our time has an important influence on our health and wellbeing. How places are designed within their urban or natural environment are vital to the health of the people and communities within them. Ensuring good access to daylight and sunlight that has been shown to positively impact upon mental health.

This guidance can help to achieve the following Public Health Priorities for Scotland:

- Priority 1: A Scotland where we live in vibrant, healthy and safe places and communities; and
- Priority 3: A Scotland where we have good mental wellbeing.

This guidance is deemed to have minimal impact on population health and wellbeing. This means that, whilst it is unlikely a Health Impact Assessment (HIA) screening report will be requested to support any planning application, this will depend on the detail and scope of the application. There may be elements of the proposals that relate to the health and wellbeing of the population that warrant consideration. If that is the case, then a screening HIA will be required, and further advice on this will be provided.

2. Aberdeen Planning Guidance

2.1 Works not Development and Permitted Development Works

This document sets out guidelines as to what types of extension and alteration to a dwellinghouse may be permissible when planning permission is required. However, many minor works and small extensions to residential properties do not require planning permission. In this regard, there are two main categories of works that can be carried out by a homeowner to their property without needing planning permission. These are:

Works which do not constitute 'Development'; and Works which constitute 'Permitted Development'

What Constitutes 'Development'?

Small scale alterations to your home which do not have any impact on the building's external appearance may not constitute 'Development' and therefore do not require planning permission. Such works can include, but not limited to:

- The installation of door bells;
- The erection of TV aerials;
- The carrying out of any internal alterations;
- The installation of moveable structures in the property's garden such as garden furniture and trampolines etc.

What constitutes 'Permitted Development'?

Where alterations to a dwelling would constitute development, Scottish Government legislation still allows for a variety of minor alterations and extensions to be carried out to properties without the need to apply for planning permission. These are known as Permitted Development rights and they are covered by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (As amended).



Useful guidance on the interpretation of the Householder Permitted Development Rights can be found in Circular 1/2012 on the Scottish Government website.

Conservation Areas and Listed Buildings

Although the Householder Permitted Development Rights allow for a wide variety of minor works to be carried out, the legislation often does not allow for such works to take place without consent in conservation areas and, in some instances, on listed buildings.

Conservation Areas

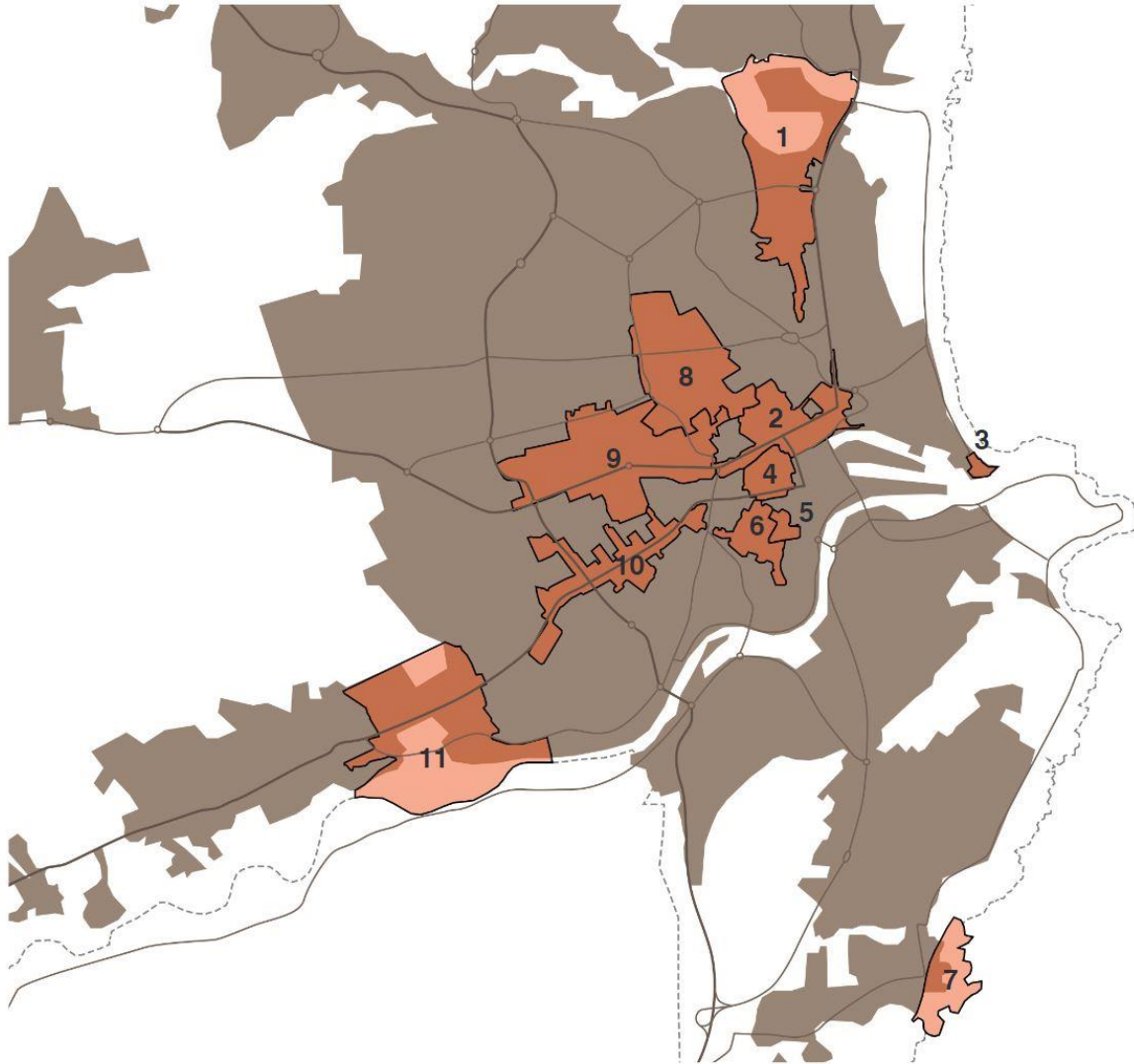
Works to a dwelling within a conservation area will almost always require planning permission and in the assessment of planning applications, special attention will be paid to the desirability of preserving or enhancing the character and appearance of the area. Many properties in Aberdeen city centre lie within a conservation area, as well as some in outlying areas such as Footdee and Old Aberdeen. Homeowners can check via the Council's website whether their property is situated within a conservation area.

Listed Buildings

Whilst planning permission may not be required for certain works to a listed dwelling, Listed Building Consent will almost always be required. Listed Building Consent needs to be applied for in much the same way as planning permission, although there is no application fee payable for a Listed Building Consent application.

There are over 1200 listed buildings in Aberdeen, many of which are residential addresses. For advice on whether your property is listed or if works to a listed dwelling require consent and are likely to be acceptable, general enquiries should be made to the Council's Technical Team on:

Tel: 01224 053746 or E: pi@aberdeencity.gov.uk



Conservation Areas

- 1 Old Aberdeen
- 2 Union Street
- 3 Footdee
- 4 Bon Accord and Crown Street
- 5 Marine Terrace
- 6 Ferryhill
- 7 Cove Bay
- 8 Rosemount and Westburn
- 9 Albyn Place and Rubislaw
- 10 Great Western Road
- 11 Pitfodels

2.2 Householder Development: General Considerations

Aim of the Guidance

Good quality design, careful siting and due consideration of scale, context and design of the parent building are key to ensuring that development does not erode the character and appearance of our residential areas. Poorly designed extensions and alterations can have a significant impact on the character and appearance of a building which, when repeated over time, can have a cumulatively detrimental impact upon the wider area. We can seek to retain the characteristics of the built environment which contribute towards the character and identity of an area, while also protecting the amenity enjoyed by residents. This document aims to facilitate good design and provide a sound basis for restricting inappropriate development.

Scope of the Guidance

Although this guidance predominantly relates to alterations and extensions to domestic properties, in the case of dormer windows, rooflights and roof extensions, the guidelines will also apply to originally residential properties now in non-domestic use.

General Principles

Elsewhere in this document, guidelines are set out in relation to specific types of development. In addition to those specific criteria, the following principles will be applied to all applications for householder development:

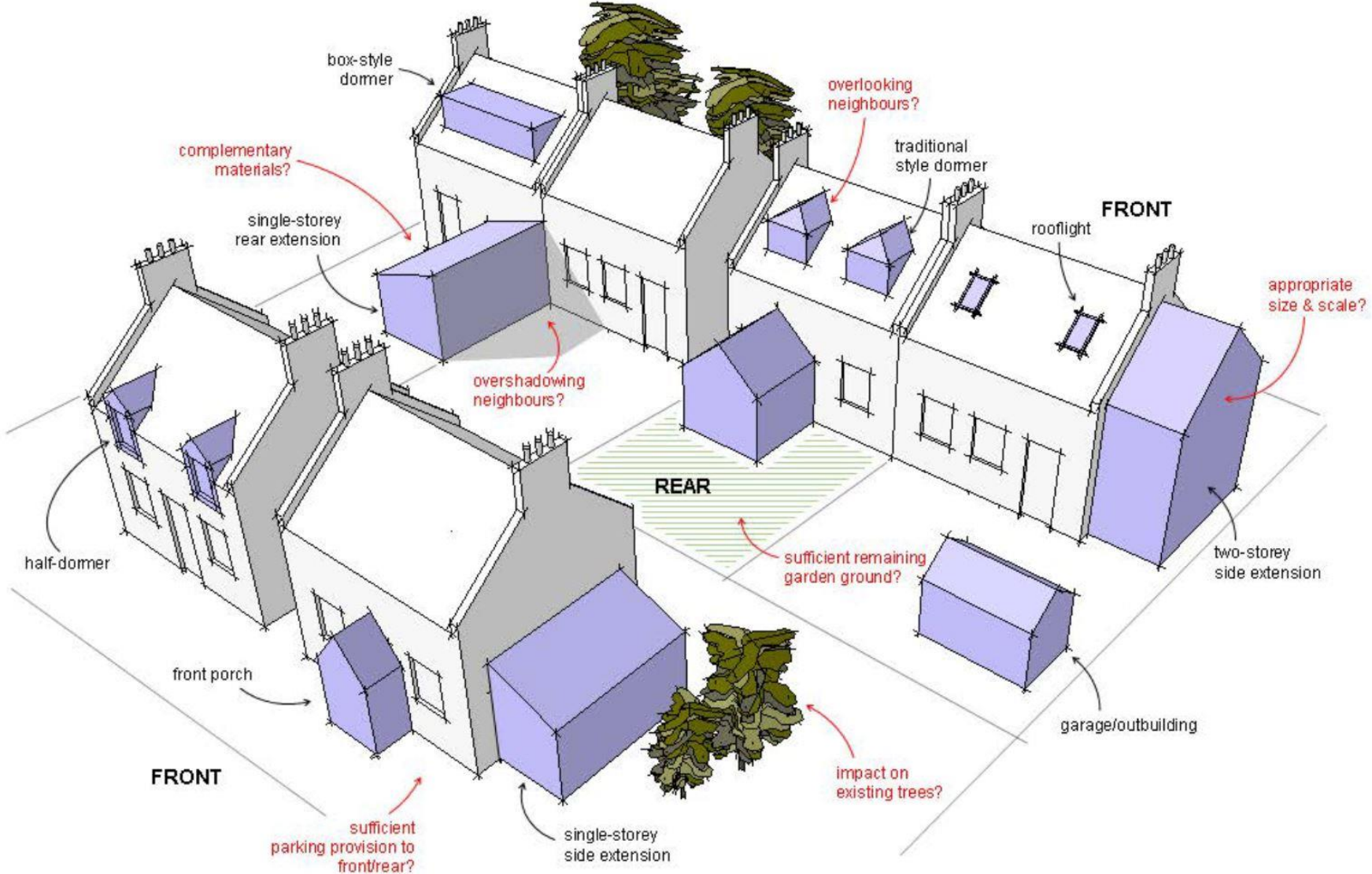
General Principles

1. Proposals for extensions, dormers and other alterations should be architecturally compatible in design and scale with the original house and its surrounding area. Materials used should be complementary to the original building. Any extension or alteration proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling and should be visually subservient in terms of height, mass and scale.

2. No extension or alteration should result in a situation where the amenity of any neighbouring properties would be adversely affected. Significant adverse impact on privacy, daylight and general amenity will count against a development proposal.
3. No existing extensions, dormers or other alterations which were approved prior to the introduction of this planning 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.
4. The built footprint of a dwelling house as extended should not exceed twice that of the original dwelling.
5. No more than 50% of the front or rear curtilage shall be covered by development¹.

¹ Curtilage coverage calculations will have regard to the methodology outlined in Figure 12 of Circular 1/2012 [‘Guidance on Householder Permitted Development Rights: Updated 2021’](#)

General Terms & Considerations



2.3 Rear House Extensions

Where planning permission is required, the following general rules will apply:

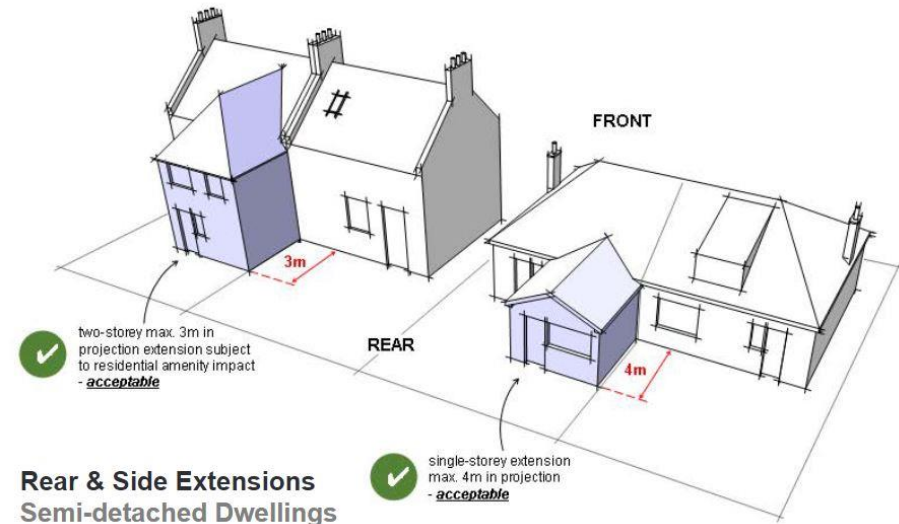
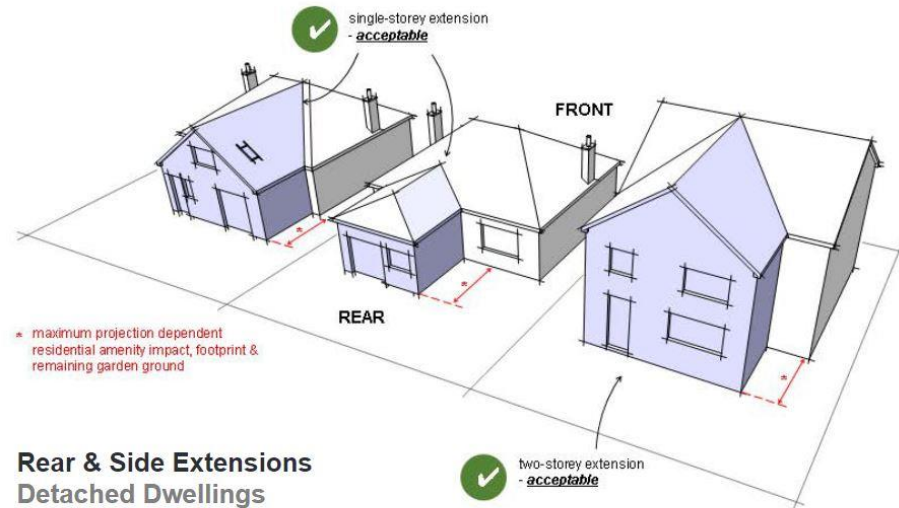
REAR AND SIDE EXTENSIONS

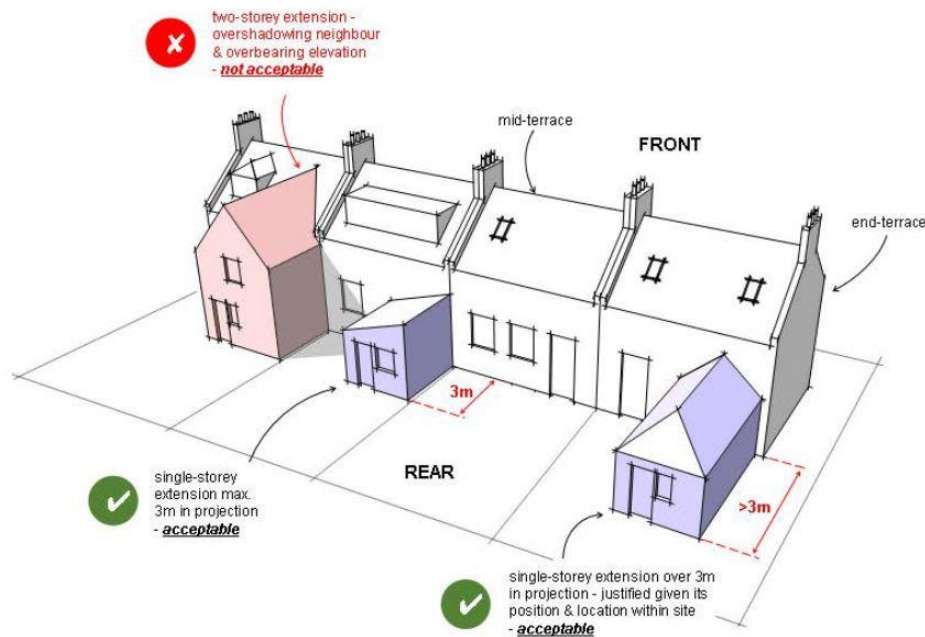
Detached Dwellings

- The maximum dimensions of any single-storey extension will be determined on a site-specific basis.
- On properties of 2 or more storeys, two storey extensions will generally be possible, subject to the considerations set out in the 'General Principles' section above.

Semi-Detached Dwellings

- Single storey extensions will be restricted to 4m in projection along the boundary shared with the other half of the semi-detached property. In all other cases, the maximum size of single storey extensions will be determined on a site-specific basis.
- On properties of 2 or more storeys, two storey extensions may be possible, subject to the design considerations set out in the 'General Principles' section above. The projection of such extensions will generally be restricted to 3m along the boundary shared with the other half of the semi-detached property.





Rear & Side Extensions Terraced Dwellings

Terraced Dwellings

- Single storey extensions to terraced dwellings will be restricted to 3m in projection along a mutual boundary.
- Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area.
- Proposals for extensions to end-terrace properties will be subject to these standards unless it can be demonstrated that the specific circumstances of the site and the proposal justify a departure from the above.
- In general, on non-traditional and group-terraced dwellings:
 - Extensions should not project forward of any established building line.

- Single-storey extensions will be restricted to 3m in projection from the rear wall of the original dwelling.
- Two-storey extensions to grouped terrace properties will not normally be acceptable.

2.4 Front Extensions

Front extensions will only be considered acceptable in situations where they would not impact negatively on the character or amenity of the original dwelling and the surrounding area. In all cases the established building line of the street should be respected.

In assessing applications of this nature, the following will apply:

- Front extensions of any type should be of a scale and design which is complementary to, and consistent with, the original dwelling. Modest porches will generally be acceptable, but these should not incorporate additional rooms (e.g. toilet, shower room), and should not detract from the design of the original building or the character of the street.
- In all cases, careful consideration will be given to (i) impact on adjacent property; (ii) visual impact; and (iii) the extent of any building line and the position of the adjacent buildings generally.
- Within a Conservation Area, it will not be permitted to add a front extension to any property which forms part of an established building line.
- Given the wide variety of house types across the city and the existence of 'dual-frontage' dwellings, it will be for the planning authority to determine which elevation forms the principal elevation of a dwelling for the purposes of this guidance.
 - Any front porch extension should incorporate a substantial proportion of glazing, in order to minimise its massing and effect on the streetscape.
 - It may be permissible to incorporate bay windows on front elevations. The design and scale of such extensions should reflect that of the original dwelling, and such extensions should not be utilised as a means to secure significant internal floorspace.



2.5 Outbuildings



Detached garage on a traditional rear lane – such garages should be of a scale and design that respects the context of the surrounding area.

will not be permitted as a means of gaining additional headroom;

- Access to an upper floor should be situated internally;
- Outbuildings should not have a negative impact on the character of the surrounding area;
- Where highly visible and especially in conservation areas, detached garages should be of a scale and design that respects the prevalent context of the surrounding area;
- Proposals will be assessed on their impact on the amenity of the area (e.g. loss of daylight/privacy) in the same way as extensions;
- Outbuildings will not usually be acceptable in front gardens because of the damaging impact development forward of a front building line can have on the visual character of an area.

Outbuildings are detached buildings within a dwelling's curtilage that are used in association with the enjoyment of the residential use of the property. For example: garages, sheds, and greenhouses. They are traditionally single storey in height, with either a flat or pitched roof. It may be possible to accommodate an additional storey within the roof space of a pitched-roof outbuilding, although in such cases the use of dormers will not be supported, as they increase the visual dominance of an outbuilding and give the impression of a two storey appearance. In many cases ancillary buildings may be classed as permitted development. Where planning permission is required, the following rules will apply:

- Outbuildings must always be subordinate in scale to the dwellinghouse and two storey outbuildings will generally not be permitted;
- Where a second storey is to be accommodated within a pitched roof space, outbuildings should retain the impression of being single storey in height and dormers

2.6 Dormers

Where permission is required, the following general rules will apply:

General Principles

- New dormers or roof extensions should respect the scale of the building and they should not dominate, overwhelm or unbalance the original roof;
- 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;
- The removal of inappropriate earlier dormers and roof extensions, and their replacement with architecturally and historically accurate dormers will be actively encouraged;
- In terraces or blocks of properties of uniform design where there are no existing dormers, the construction of new dormers will not be supported on the front or other prominent elevations (e.g. fronting onto a road);
- On individual properties or in terraces where there are existing well-designed dormers and where there is adequate roof space, the construction of new dormers which match those existing may be acceptable. Additional dormers will not be permitted however, if this results in the roof appearing overcrowded. These dormers should be closely modelled in their detail and position on the roof, on the existing good examples. They will normally be aligned with windows below;
- Box dormers will not be permitted anywhere on listed buildings, nor will the practice of linking existing dormers with vertical or inclined panels; and
- In the case of 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 the extension is not seen from any public area. Non-traditional style dormers may be accepted on the rear of non-listed buildings in conservation areas, but generally not on any elevation of listed buildings.



Example of a poorly designed roof extension – The modern box dormer is too large, thus it dominates the roof slope on an otherwise traditional terrace.

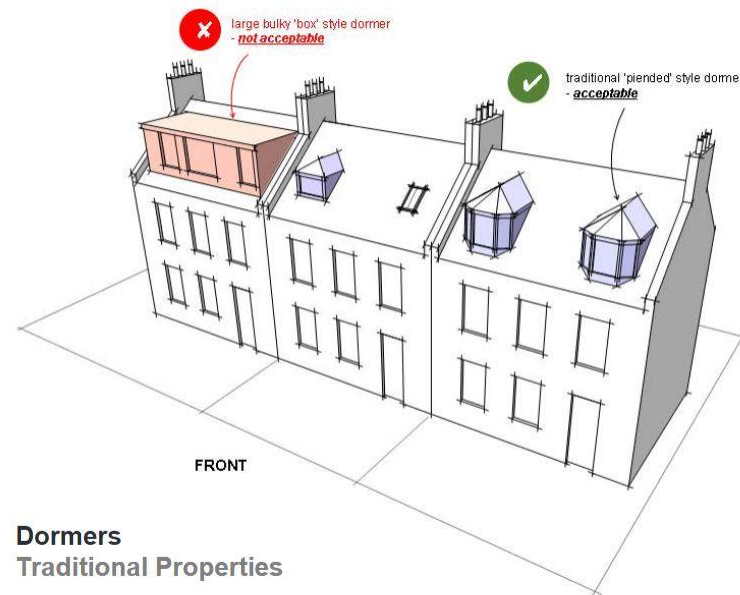
2.7 Older Properties of a Traditional Character

Front Elevations

On the public elevations of older properties the Council will seek a traditional, historically accurate style of dormer. In addition, all new dormers will have to be of an appropriate scale, i.e. a substantial area of the original roof must remain untouched and clearly visible around and between dormers.

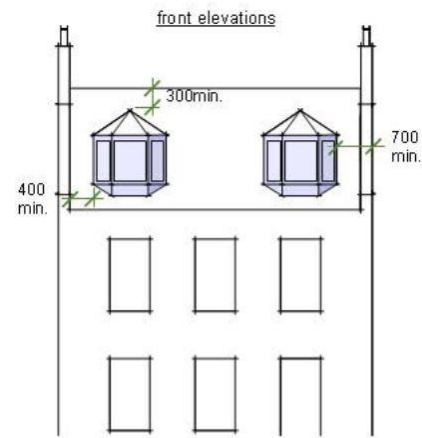
The main principles to be followed are:

- Existing original dormers should be retained or replaced on a “like for like” basis. Box dormer extensions will not normally be acceptable on the front elevations;
- The aggregate area of all dormers and/or dormer extensions should not dominate the original roof slope. New dormers should align with existing dormers and lower windows and doors;
- The front face of dormers will normally be fully glazed and aprons below the window will not be permitted unless below a traditional three faceted pi ended dormer;
- Dormers should not normally rise directly off the wall head. In the case of stone buildings, dormers which rise off the inner edge of the wall head will generally be acceptable. The position of the dormer on the roof is very important. Dormers which are positioned too high on the roof give the roof an unbalanced appearance;
- The outer cheek of an end dormer should be positioned at least 700mm in from the face of the gable wall or 1000mm from the verge. Where there is tabling on top of the gable, the cheek should be at least 400mm in from the inside face of the tabling. It is never acceptable for a dormer haffit to be built off the gable or party wall; and
- The ridge of any new dormer should be at least 300mm below the ridge of the roof of the original building. If it is

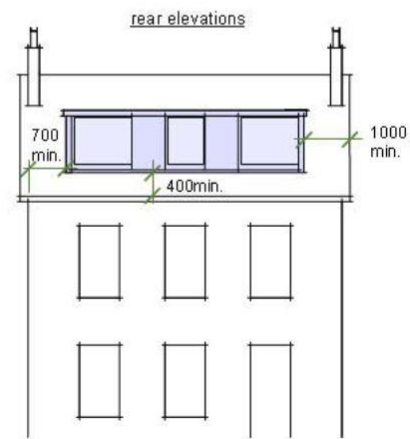


considered acceptable for the dormer ridge to be higher than this, it should not nevertheless, breach the ridge or disturb the ridge tile or flashing.

Rear Elevations and Exceptions



✓ piended dormers on a typical Aberdeen tenement
- **acceptable**



✓ flat roofed box dormer on rear elevations
- **acceptable**

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

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

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

2.8 Modern Properties

Dormers and box dormer extensions have become common features in many modern housing areas, and the wide variety of designs of modern dwellings necessitates a greater flexibility in terms of design guidance. The amenity of other properties and the residential neighbourhood must however, still be protected, with the integrity of the building being retained after alteration.

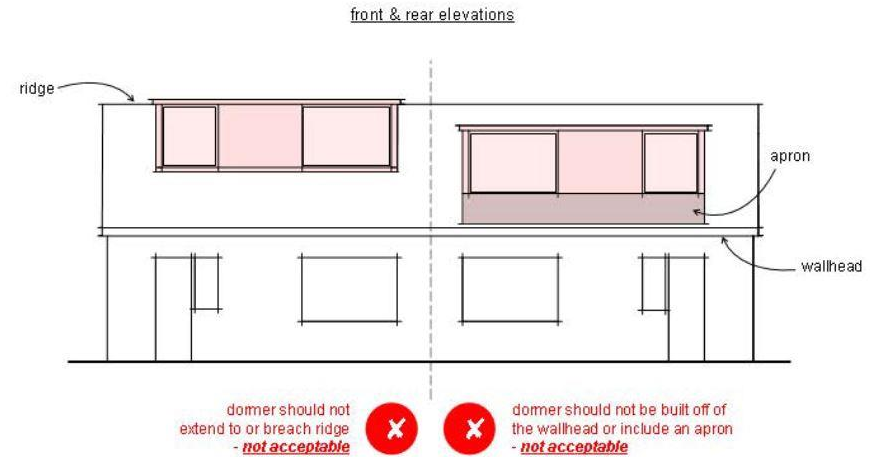
The following basic principles may be used to guide the design and scale of any new dormer extension:

- The dormer extension should not appear to dominate the original roof space;
- The dormer extension should not be built directly off the front of the wall head as the roof will then have the appearance of a full storey. On public elevations there should be no apron below the window, although a small apron may be

acceptable on the rear or non-public elevations. Such an apron would be no more than three slates high or 300mm, whichever is the lesser;

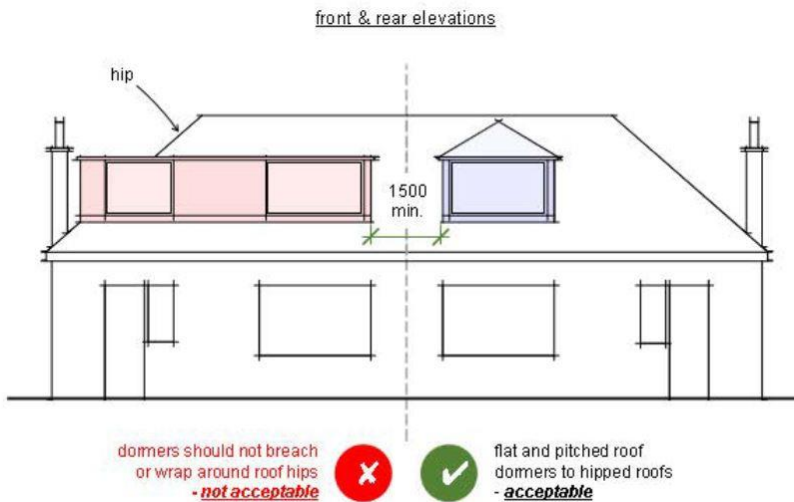
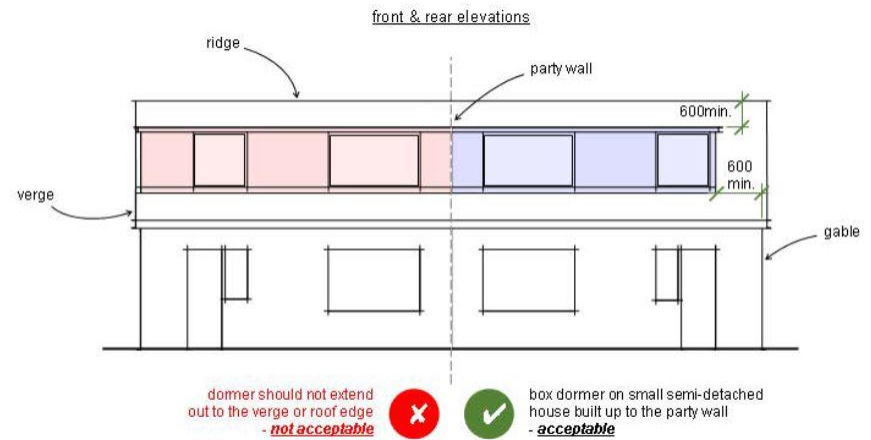
- The roof of the proposed extension should not extend to, or beyond the ridge of the existing roof, nor should it breach any hip. Dormer extensions cannot easily be formed in hipped roofs. Flat roofed extensions should generally be a minimum of 600mm below the existing ridge;

- The dormer extension should be a minimum of 600mm in from the gable. The dormer haffit should never be built off the gable or party walls, except perhaps in the situation of a small semi-detached house where the dormer extension may sometimes be built off the common boundary. In terrace situations, or where a detached or semi-detached bungalow is very long, dormer extensions should be kept about 1500mm apart (i.e. dormer haffits should be 750mm back from the mutual boundary) so as not to make the dormer appear continuous or near continuous;



Dormers
Modern Properties

- The outermost windows in dormer extensions should be positioned at the extremities of the dormer. Slated or other forms of solid panel will not normally be acceptable in these locations. In the exception to this situation, a dormer on a semi-detached house may have a solid panel adjacent to the common boundary when there is the possibility that the other half of the house may eventually be similarly extended in the foreseeable future. In this case the first part of the extension should be so designed as to ensure that the completed extension will eventually read as a single entity;



- There should be more glazing than solid on the face of any dormer extension;
- Box dormer extensions should generally have a horizontal proportion. This need not apply however, to flat roofed individual dormers which are fully glazed on the front;
- Finishes should match those of the original building and wherever possible the window proportion and arrangement should echo those on the floor below; and
- The design of any new dormer extension should take account of the design and scale of the existing dormer.

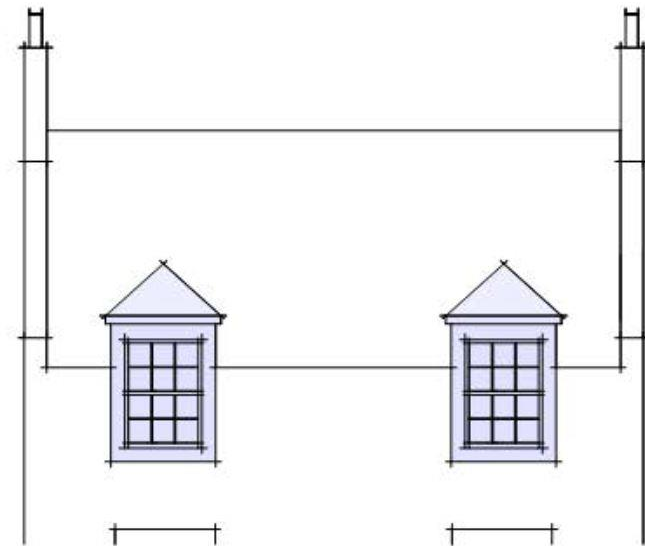
2.9 Other Forms of Dormer Window

Half dormer windows

Half dormer windows have the lower part of the window within the masonry wall, with the part in the roof space surrounded by masonry or timberwork. This type of window is usually quite narrow, vertical in proportion, and appropriate when the floor is below the wall-head level.



Half Dormer Windows

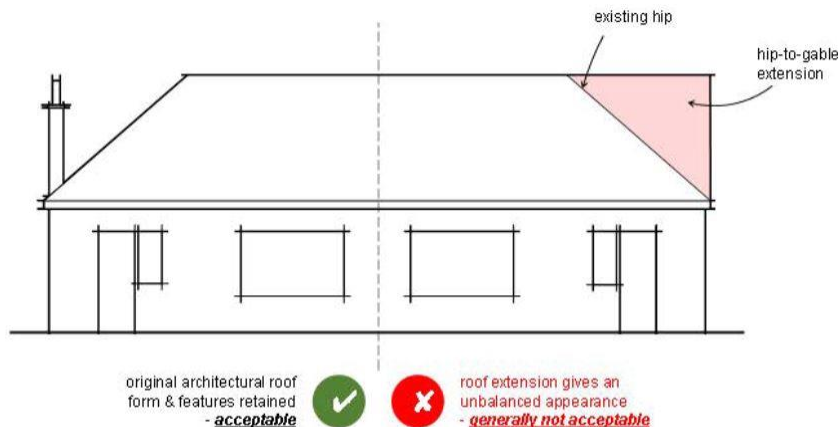


Half dormer windows will only be acceptable where the context of the dwellinghouse allows – where permissible, they should be well designed with traditional vertical proportions.

2.10 Roof Extensions

Hipped roof extensions

Modifying only one half of a hipped roof is likely to result in the roof having an unbalanced appearance. The practice of extending a hipped roof on one half of a pair of semi-detached houses to terminate at a raised gable will not be accepted unless the other half of the building has already been altered in this way.



Hipped Roof Extensions

buildings of two or more masonry storeys. They will not normally be acceptable in semi-detached or terraced situations unless all the other properties in the group are to be similarly altered at the same time. In effect, few situations will arise where an existing roof can readily be converted to a mansard roof.

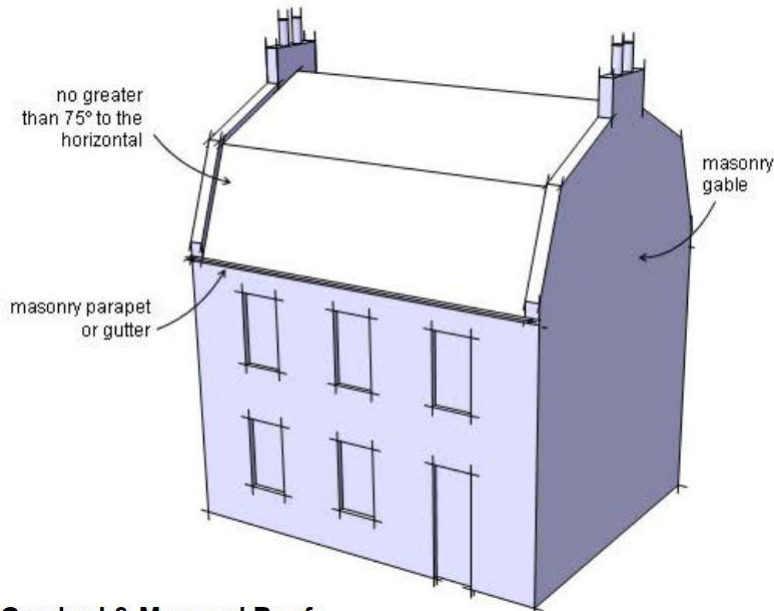
On the occasions when a mansard roof solution is acceptable, considerable attention to detail is required to ensure that the altered roof is visually authentic. The following points should be observed:

- There should be no fascia at the eaves, nor should the mansard project forward of the masonry line;

Mansard Roofs

Mansard roofs are a common, even a somewhat overused method of obtaining additional attic floorspace having standard headroom overall. Mansard roofs tend to have a top heavy appearance on buildings which have only a single storey of masonry, and should be restricted to

- The mansard should be taken down to either a concealed lead gutter behind a masonry parapet, or to an “ogee” or half round cast iron gutter in line with the face of the masonry;



- The gables of the building should be extended up in the same material as the original gables, and should terminate at a masonry skew in the same profile as the mansard roof. It will not normally be acceptable to return the mansard roof across the gable with hipped corners; and
- The lower slope of the roof should be inclined at no greater than 75° to the horizontal.

Mansards will only usually be considered appropriate where the site context allows it and considerable attention has been paid to the detailing so that the altered roof is visually authentic.

Gambrel & Mansard Roofs

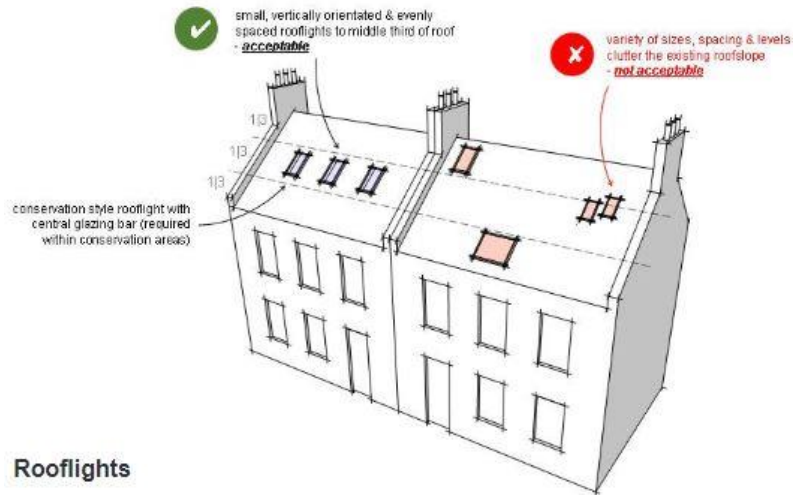
Rooflights

Where planning permission is required, the following general rules will apply:

- Rooflights should have a conspicuously vertical proportion. Seen from ground level, the foreshortening effect will tend to reduce the apparent height of the window, giving it a more squat appearance;
- On older buildings, and particularly on listed buildings and buildings in conservation areas, a ‘conservation’ type of rooflight will be expected. This is of particular importance on public elevations. Even the addition of a central glazing bar to a rooflight can provide a more authentic appearance in such instances;

- Large timber or cast iron rooflights divided into several sections were frequently provided above stairwells. It is not ideal to replace these with a single-pane modern rooflight. If the original rooflight cannot be repaired, aluminium or steel patent glazing is a more satisfactory option; and
- For rooflights fitted into slated roofs, manufacturers can provide a special flashing with their rooflights to keep the projection of the rooflight above the plane of the slates to a minimum. In listed buildings and buildings in conservation areas, it will be expected that rooflights be recessed into the roof slope.

Sympathetic ‘conservation’ style rooflights will nearly always be required in listed buildings and on the public elevations of buildings in conservation areas.



Rooflights

2.11 Other Domestic Alterations

Replacement Windows and Doors

Where permission is required, householders are referred to the Aberdeen Planning Guidance entitled 'Windows and Doors'.

Satellite Dishes

Where permission is required for satellite dishes, as far as is practicable, they should be sited so as to minimise their impact on the external appearance of a building.



The cumulative impact of inappropriately sited satellite dishes – Where permission is required, satellite dishes will only be permitted where they can be sited discreetly, so as to minimise their visual impact.

Decking

- Proposals should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space.
- There will be a presumption against the formation of decking to the front of any property, or on any other prominent elevation where such works would adversely affect the visual amenity of the street scene.

Fences, Walls and Other Boundary Enclosures

- In all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact.
- Proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.

Micro-renewables

Careful consideration is required in relation to their positioning in order to avoid undue prominence within the street scene, particularly within conservation areas and where proposals may affect the setting of a listed building.

Driveways

Guidance on the formation of driveways can be found within Aberdeen Planning Guidance: Transport and Accessibility.

2.12 Change of Use from Amenity Space to Garden Ground

Planning permission will always be required for the change of use of amenity space to private garden ground.

- In most circumstances amenity ground will make a contribution towards the character and sense of place of an area. However, sometimes small incidental areas of ground make little contribution to the appearance of the neighbourhood. For instance it may be acceptable to include within garden ground secluded areas that are not visible from footpaths or roads and that do not make a contribution to the wider visual amenity of the area. Similarly, it may be acceptable to include small corners of space that can be logically incorporated into garden ground by continuing existing fence lines;
- The proposal should not fragment or, if replicated, be likely to incrementally erode larger areas of public open space or landscaping;
- The proposal should not worsen or create a deficiency in recreational public open space in the area. The less amenity space there is in an area the more value is likely to be placed on the existing amenity space. The Open Space Audit identifies areas of the city where there is a deficiency and should this be the case there will be a presumption against the granting of planning permission;
- The proposal should not result in any loss of visual amenity including incorporating established landscaping features such as mature trees or trees that make a significant contribution to the area. It is unlikely the Council would support the incorporation and likely loss of such features, however in circumstances where it is acceptable replacement planting to compensate will normally be required;
- The proposal should not result in an irregular boundary layout that would be out of keeping with the otherwise uniform character of the area;

- The proposal should not result in the narrowing of footpath corridors or lead to a loss of important views along such footpaths, making them less inviting or safe to use;
- The proposal should not prejudice road or pedestrian safety. Areas of amenity space often function as visibility splays for roads and junctions;



Proposals for change of use from amenity land to private garden ground will be considered acceptable where they comply with the above criteria. In the above image, the proposal does not have a detrimental impact on the visual character or amenity of the area.

rather than an independent dwelling. Proposals must not result in the subdivision of an existing site and must not constitute a self-contained planning unit with independent parking, access and garden.

2.13 Annexes/Ancillary Accommodation

Annexes or ancillary accommodation comprises residential accommodation incidental to a dwelling that does not have the facilities required to be used independently of the dwelling for day-to-day private domestic existence. The description of the building in the application, the relationship of the occupants to the dwelling and the period of time during the year that it is used has no effect on the question whether it is considered an annexe or ancillary accommodation. When determining whether a proposal is ancillary or otherwise, each proposal must be considered upon its own merits. This

section will offer a strong steer to the guiding principles.

They are often proposed in order to allow for relatives to live with a family whilst retaining a degree of independence. In other circumstances they are sought to provide further indoor amenity space to compliment an existing dwellinghouse. In each case the proposal must have a strong sense of connection with the dwellinghouse to qualify as an annexe or ancillary accommodation

Annexes/ancillary accommodation can take the form of an extension to an existing dwellinghouse, conversion of an existing outbuilding or, in specific circumstances, the creation of new detached accommodation. In each case, proposals must demonstrate a clear functional relationship with the existing dwelling.

For extensions to existing dwellinghouses to be considered incidental to a main dwellinghouse, proposals must also:

- include an internal connection to the existing dwelling
- be subordinate (smaller, less prominence) in scale to the existing dwelling
- the layout should demonstrate dependence upon the existing dwelling for some functions (a small kitchenette may be acceptable but this should be ancillary to the cooking and cleaning areas within existing dwelling. An ensuite toilet and shower room may be acceptable but not a larger bathroom separated from the bedroom; and
- not include a separating boundary or demarcation of garden ground

For conversions of an existing outbuilding, or new detached accommodation to be considered incidental to a main dwellinghouse, proposals must also:

- sit within close proximity to the existing dwelling, in most cases with the entrance close to the entrance of the existing dwelling with a high degree of overlooking between the dwelling and the annexe/accommodation;
- be incapable of practical separation at a later date
- be subordinate in scale to the existing house
- the layout should demonstrate dependence upon the existing dwelling for some functions (a small kitchenette may be acceptable but this should be ancillary to the cooking and cleaning areas within existing dwelling. An ensuite toilet and shower room may be acceptable but not a larger bathroom separated from the bedroom;
- not include a separating boundary or demarcation of garden ground; and
- new detached accommodation should not normally sit forward of the principle elevation of the existing dwellinghouse

Where proposals are to be approved, where necessary, the Planning Authority will impose a legal agreement to control the use of the accommodation to ensure that it is used solely for ancillary purposes. Once built, annexes/ancillary accommodation must not be supplied with independent utilities from the main house and must not be registered as a separate postal address.

2.14 Houses in Multiple Occupation (HMOs)

It should be noted that there is separate HMO Aberdeen Planning Guidance.

2.15 Sustainable features

Sustainable features such as Green Roofs and Rainwater harvesting are welcomed and encouraged features in most instances. Opinion should be sought with regards such features on works connected to listed buildings and within Conservation Areas.



3. Definitions

Aberdeen Planning Guidance

Aberdeen Planning Guidance is prepared by the planning authority in support of its Local Plan/Local Development Plan. These documents are generally intended to provide greater detail or more specific and focused guidance than might be practicable within the Plan itself.

Amenity

The attributes which create and influence the quality of life of individuals or communities.

Amenity Space

Areas of open space such as gardens, balconies, and roof terraces.

Article 4 Direction

Some types of development do not need planning permission by virtue of permitted development rights. An Article 4 Direction is an order made by Scottish Ministers which suspends (for specified types of development) the general permission granted under the Town and Country (General Permitted Development) (Scotland) Order 1992 (as amended), thereby removing permitted development rights.

Base Course

The lowest course or first course of a wall.

Bay Window

A window or series of windows forming a bay in a room and projecting outward from the wall externally.

Boundary Enclosure

Boundary treatment such as a fence, wall, hedge, ditch or other physical feature which demonstrates the edges of a site or otherwise encloses parts of that site.

Building Line

The line formed by the frontages of buildings along a street. For the purposes of this guidance, this shall not generally include elements such as the front of any porches, canopies, garages or bay windows.

Common Boundary

A boundary which is shared by residential properties on either side.

Conditions

Planning conditions are applied to the grant of planning permission and limit and control the way in which a planning consent may be implemented. Such conditions can require works to be carried out in a certain way (e.g. restriction on opening hours or adherence to an approved tree management plan) or can require submission of further information in order to demonstrate the suitability of technical details (e.g. drainage or landscaping schemes for a new development)

Conservation Area

Conservation Areas are areas of special architectural or historical interest, the character or appearance of which it is desirable to preserve or enhance. Such areas are designated by the local planning authority. Details of the Conservation Areas in Aberdeen can be found on the Council's website, www.aberdeencity.gov.uk.

Conservation Area Consent

Conservation Area Consent is required for proposals which involve the whole or substantial demolition of any unlisted building or structure in a Conservation Area. Conservation Area Consent is not required for the demolition of a building which has a volume of less than 115 cubic metres, or for the partial demolition of a building, or for minor alterations to gates, walls and fences within a Conservation Area. Demolition works may, however, require planning permission, and so confirmation should be sought from the planning authority.

Curtilage

The land around, and belonging to, a house.

Curtilage Splitting

The construction of houses and flats (together henceforth referred to as dwellings) within the garden ground of existing residential property

Daylight

Diffuse level of background light, distinct from direct sunlight

Development Plan

The “Development Plan” is a term used to incorporate both the current Local Plan/Local Development Plan and the current Structure Plan/Strategic Development Plan.

Dormer Window

Dormer windows are a means of creating useable space in the roof of a building by providing additional headroom.

Dwellinghouse

For the purposes of this guidance, the term “dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building

Embodied Energy

The energy used during the entire life cycle of a product including the energy used for manufacturing, transporting, and disposing of the product.

Fenestration

The arrangement of the windows in a building.

Gable

The part of a wall that encloses the end of a pitched roof.

Habitable Rooms

Includes bedrooms and living rooms, but does not include bathrooms, utility rooms, WCs or kitchens when not accompanied by dining facilities.

Haffit

The sides or ‘cheeks’ of a dormer window.

Harled

A form of roughcast in which a mixture of an aggregate (usually small even-sized pebbles) and a binding material (traditionally sand and lime).

Hipped Roof

A four-sided roof having sloping ends as well as sloping sides

Listed Building

Working on behalf of Scottish Ministers, Historic Environment Scotland inspectors identify buildings which are worthy of statutory protection. These are 'Listed Buildings'. The criteria by which the Scottish Ministers define the necessary quality and character under the relevant legislation are broadly; Age and Rarity; Architectural Interest; and Close Historical Association

Listed Building Consent

Listed Building Consent is obtained through an application process which is separate from, but runs parallel to, that by which planning permission is obtained. This separate regulatory mechanism allows planning authorities to ensure that changes to listed buildings are appropriate and sympathetic to the character of the building. Listed Building Consent must be obtained from the planning authority if you wish to demolish, alter or extend, either internally or externally, a listed building.

Mansard Roof

A four-sided roof having a double slope on all sides, with the lower slope much steeper than the upper.

Material Consideration

Any issue which relates to the use and development of land and is relevant to the planning process.

Permitted Development

An aspect of the planning system which allows people to undertake specified forms of minor development under a deemed grant of planning permission, therefore removing the need to submit a planning application.

Peended

Scots term for hipped (pronounced peended)

Planning Authority

This is the term given to the Council in its role exercising statutory functions under Planning legislation. Authorities have three main planning duties: Development Management (assessing and determining planning applications); Development Planning (preparing, updating and monitoring the authority's Local Plan/Local Development Plan); and Enforcement (seeking to investigate and resolve breaches of planning control)

Porch

A covered shelter projecting in front of the entrance of a building.

Redevelopment

The complete demolition and replacement of existing dwellings by new dwellings at higher density on the same curtilage or curtilages

Ridge

The highest part or apex of a roof where two slopes meet.

Roads Authority

This is the term given to the Council in its role exercising statutory functions under Roads legislation. Where trunk roads are concerned, Transport Scotland is the relevant roads authority.

Roughcast

Plaster, mortar or stucco containing pebbles or coarse gravel to give a rough, knobby texture to walls. Also called pebble-dash.

Stone Quoins

The stones, usually dressed, at the corners of a building.

Stringcourses

A continuous horizontal band set in the surface of an exterior wall or projecting from it and usually moulded.

Sunlight

The sun's direct rays, as opposed to the background level of daylight

Tabling

A raised horizontal surface or continuous band on an exterior wall; a stringcourse

Tree Preservation Order

The planning authority has the powers to make Tree Preservation Orders if it appears to them to be a) expedient in the interest of amenity and/or b) that the trees, groups of trees or woodlands are of a cultural or historical significance. The authority has duties to a) make such TPOs as appear to the authority to be necessary with any grant of planning permission; and b) from time to time to review any TPO and consider whether it is requisite to vary or revoke the TPO.

Vernacular Buildings

Indicates a traditional type of building utilized by ordinary wage earners.

4. Further Reading

Bats in Buildings

<http://www.snh.org.uk/pdfs/species/BatsBuildings.pdf>

Historic Scotland's Guide to Practitioners 6 – Conversion of Traditional Buildings – part 1

<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=8566> Historic Scotland's Guide to Practitioners 6 – Conversion of Traditional Buildings – part 2

<http://conservation.historic-scotland.gov.uk/publication-detail.htm?pubid=8567>

National Planning Framework 4 (NPF4)

<https://www.gov.scot/binaries/content/documents/govscot/publications/strategy-plan/2023/02/national-planning-framework-4/documents/national-planning-framework-4-revised-draft/national-planning-framework-4-revised-draft/govscot%3Adocument/national-planning-framework-4.pdf>

Planning Advice Note: PAN 39: Farm and Forestry Buildings

<http://www.scotland.gov.uk/Resource/Doc/221098/0059472.pdf>

Planning Advice Note: PAN 44: Fitting new housing development into the

landscape <http://www.scotland.gov.uk/Publications/2005/04/01145231/52326>

Planning Advice Note: PAN 60: Planning for Natural Heritage <http://www.scotland.gov.uk/Publications/2000/08/pan60-root/pan60>

Planning Advice Note: PAN 67: Housing Quality <http://www.scotland.gov.uk/Resource/Doc/47032/0026427.pdf>

Planning Advice Note: PAN 72: Housing in the Countryside <http://www.scotland.gov.uk/Publications/2005/02/20637/51636>

Planning Advice Note: PAN 73: Rural Diversification

<http://www.scotland.gov.uk/Publications/2005/02/20638/51727> Scottish Natural Heritage (SNH) www.snh.org.uk

The Barn Owl Trust

www.barnowltrust.org.uk

The Bat Conservation Trust

www.bats.org.uk

The Conversion of Redundant Farm Steadings to other

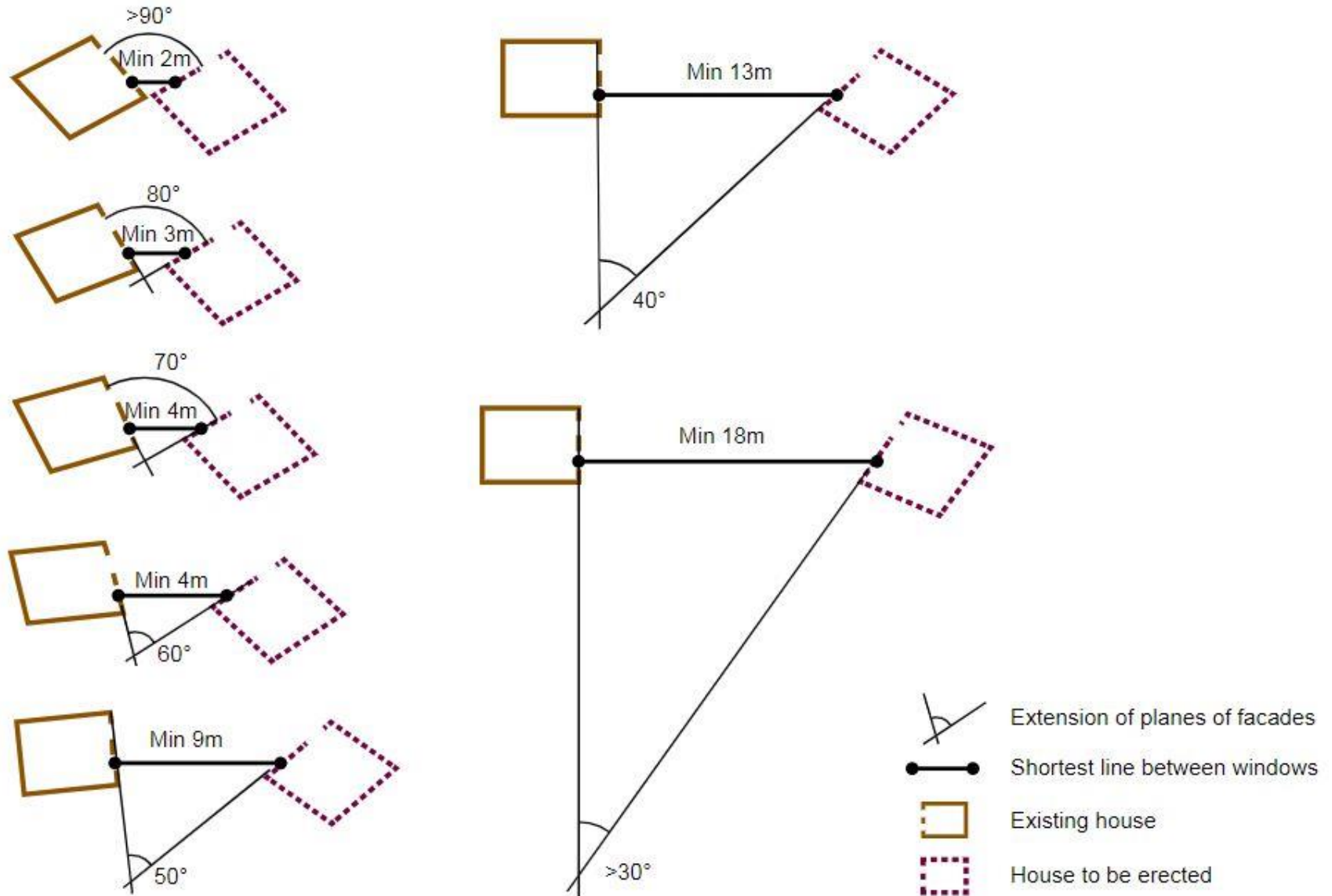
uses<http://www.scotland.gov.uk/Resource/Doc/156688/0042110.pdf>

The Royal Incorporation of Architects in Scotland (RIAS) Directory of Architects Practices

www.rias.org.uk/directory

Appendix 1

Method for checking privacy distances between window openings



Appendix 2

Daylight and Sunlight

Daylight

It is appropriate to expect that new development will not adversely affect the daylighting of existing development. Residents should reasonably be able to expect good levels of daylighting within existing and proposed residential property.

A useful tool in assessing the potential impact of proposed development upon existing dwellings is the BRE Information Paper on 'Site Layout Planning for Daylight'. This document sets out techniques which can be applied as a means of assessing the impact of new development upon daylighting. These techniques should only be applied to "habitable rooms", which for the purposes of this guidance shall mean all rooms designed for living, eating or sleeping eg. lounges, bedrooms and dining rooms/areas. Kitchens without dining areas are not considered as habitable rooms.

For domestic extensions which adjoin the front or rear of a house, the 45° method will be applied in situations where the nearest side of the extension is perpendicular (at right-angles to) the window to be assessed. The 45° method is not valid for windows which directly face the proposed extension, or for buildings or extensions proposed opposite the window to be assessed. In such instances, the 25° method, also detailed below, may be appropriate.

It should be noted that these guidelines can only reasonably be applied to those buildings which themselves are good neighbours, standing a reasonable distance from the boundary and taking only their fair share of light. Existing windows which do not meet these criteria cannot normally expect the full level of protection. It is important to note that these tools will be used as and when the planning authority deems it appropriate due to a potential impact on daylight to an existing dwelling. The results of the relevant daylighting assessment will be a material consideration in the determination of an application, and should not be viewed in isolation as the sole determining factor.

The 45° Method

This method involves drawing 45° lines from the corner of a proposed building or extension in both plan and section views. If the shape formed by both of these lines would enclose the centre point of a window on an adjacent property, the daylighting to that window will be adversely affected.

The line drawn at 45° would pass through the mid-point of the window on elevation drawing, but not on the plan. This extension would therefore satisfy the 45° method for daylighting assessment. Were the proposal to fail on both diagrams, it is likely there would be an adverse affect on daylight to the adjacent window of the neighbouring property.

The 25° Method

The 25° method should be applied in situations where existing windows would directly face the proposed building or extension. Firstly, a section should be drawn, taken from a view at right angles to the direction faced by the windows in question. On this section, a line should be drawn from the mid-point of the lowest window, 25° to the horizontal, towards the obstructing building or extension. If the proposed building or extension is entirely below this line, it is unlikely to have a substantial effect on the diffuse daylighting of the existing building. Where the 25 degree approach is not satisfied, it will be for the planning authority to make a judgement on the degree of impact upon an adjacent dwelling.

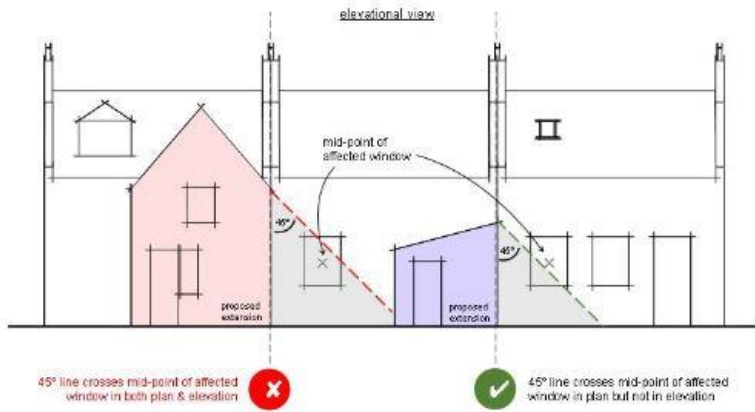


Fig A: The 45 Method Elevation view

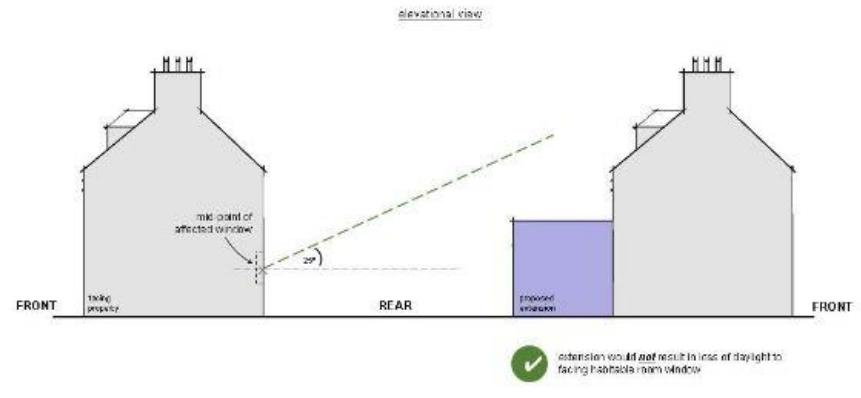


Fig C: The 25° Method Elevation view

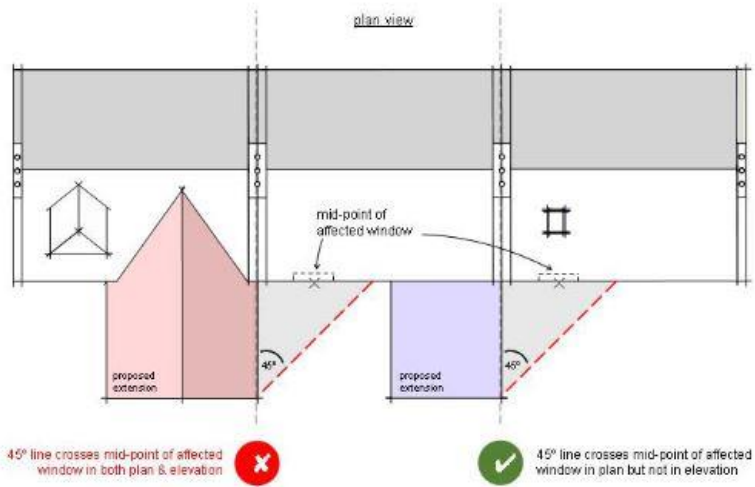


Fig B: 45° Method Plan view

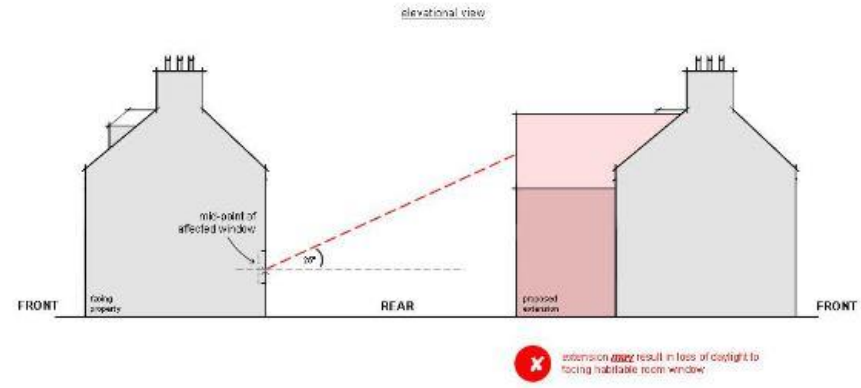


Fig D: The 25° Method, Proposed extension may result in loss of daylight to adjacent window of a habitable room

Sunlight

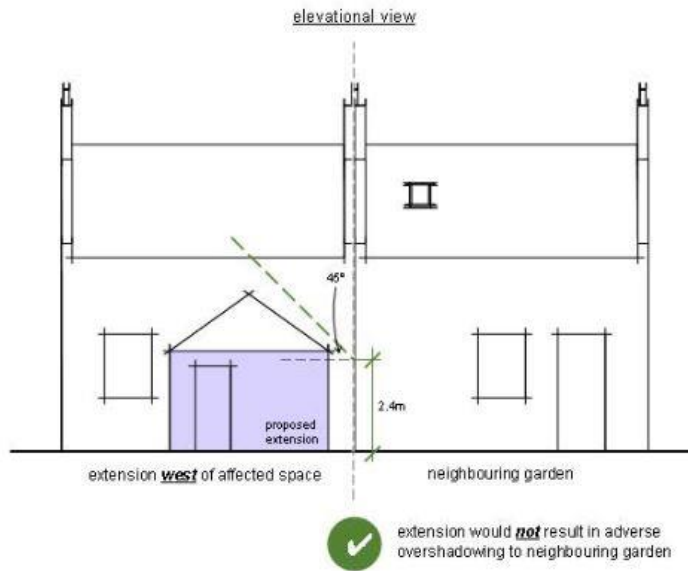
In many instances, extensions to residential property will have at least some effect on the level of direct sunlight which falls on adjacent land or buildings. Where such overshadowing is excessive, substantial areas of land or buildings may be in shade for large parts of the day, resulting in a significant impact on the level of amenity enjoyed by residents. It is therefore helpful to have some means by which an assessment of any potential overshadowing can be made.

The method used involves drawing a line at 45 degrees to the horizontal. This line will begin at a point above ground level on the relevant boundary. The height above ground level will be determined by the orientation of the proposed building or structure relative to the affected space, as shown in the table below;

Orientation of extension relative to affected space	Height from which 45 degree line should be taken
N	4m
NE	3.5m
E	2.8m
SE	2.3m
S	2m
SW	2m
W	2.4m
NW	3.3m

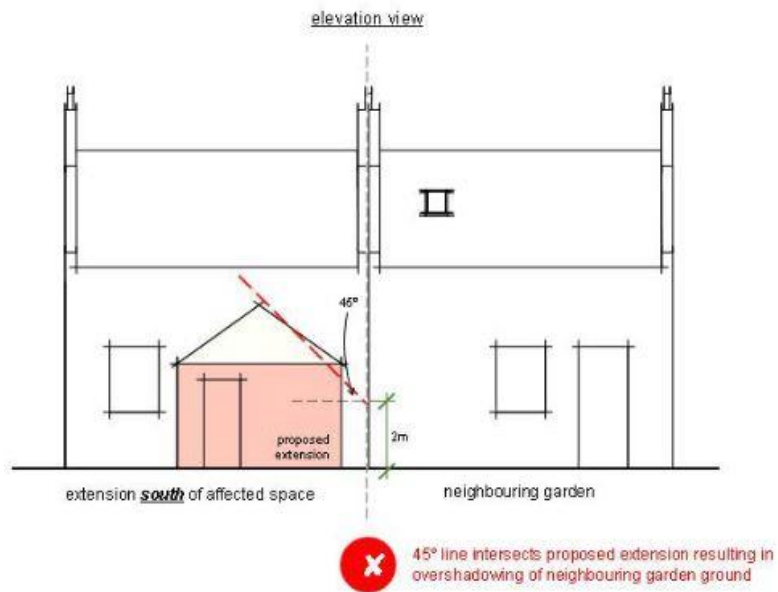
This method is intended as a tool to assist case officers in their assessment of potential overshadowing, and it is important that this be applied sensibly and with due regard for the context of a particular site. Where a proposal is not able to satisfy the requirements of the relevant test, it will then be appropriate for officers to consider other factors relevant to the likely impact on amenity. These will include, but will not be limited to: the proportion of amenity space/garden affected; the position of the overshadowed area relative to windows (of habitable rooms) of an adjacent property; and the nature of the space affected (e.g. overshadowed driveway).

Example 1: In this example, the proposed extension would be located to the **west** of the neighbouring garden ground. A point 2.4m above ground level, on the site boundary, is found. From this point, a line is drawn at 45 degrees to the horizontal.



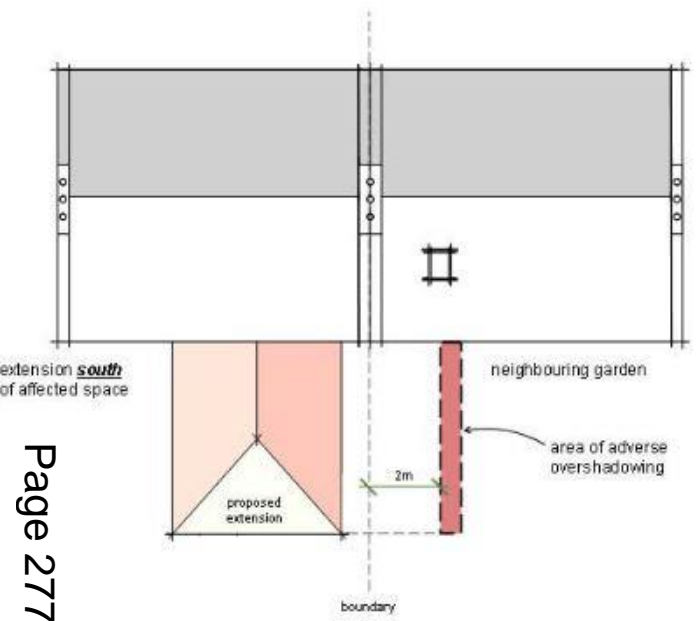
The diagram in Example 1 shows that the line drawn would not strike any part of the proposed extension, and therefore for the purposes of this test there would be no adverse affect on sunlight to the neighbouring garden.

Example 2: In this second example, the proposed extension would be constructed to the **South** of the adjacent garden ground. The same process is followed, but in this instance the line is drawn from a point 2m above ground level.



As the first diagram shows, the proposed extension would intersect the 45 degree line drawn. This suggests that there would be an area of adverse overshadowing in the neighbouring garden as a result of this proposal.

plan view



The second diagram demonstrates the area of adjacent garden ground which would be affected in plan view. This allows the case officer to make an assessment of the proportion of garden affected relative to the total useable garden area. As mentioned previously, the nature of the affected area will also be of relevance in determining whether there is justification in allowing a proposal which does not satisfy the 45 degree test for sunlight. There will be instances where proposals will be approved on this basis

Appendix 3

Privacy

New development should not result in significant adverse impact upon the privacy afforded to neighbouring residents, both within dwellings and in any private garden ground/amenity space. What constitutes an acceptable level of privacy will depend on a number of factors. The purpose of this appendix is not to create a rigid standard which must be applied in all instances, but rather to set out the criteria which will be taken into account in determining the impact of a particular development.

It is common practice for new-build residential development to ensure a separation distance of 18m between windows where dwellings would be directly opposite one another. Given the application of this distance in designing the layout of new residential development, it would appear unreasonable to then apply this to residential extensions to those same properties.

Assessment of privacy within adjacent dwellings will therefore focus upon the context of a particular development site, taking into account the following factors: •existing window-to-window distances and those characteristic of the surrounding area;

- any existing screening between the respective windows;
- appropriate additional screening proposed
- respective site levels
- the nature of the respective rooms (i.e. are windows to habitable rooms); and
- orientation of the respective buildings and windows.

Any windows at a distance of 18m or more will not be considered to be adversely affected through loss of privacy. At lesser distances, the factors stated above will be considered in order to determine the likely degree of impact on privacy.

Any windows to habitable rooms (habitable rooms constitute all rooms designed for living, eating or sleeping e.g. lounges, bedrooms and dining rooms/areas) should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings. In these circumstances the windows of non-habitable rooms should be fitted with obscure glass.

The addition of balconies to existing residential dwellings will require careful consideration of their potential impact upon privacy. Any proposed balcony which would result in direct overlooking of the private garden/amenity space of a neighbouring dwelling, to the detriment of neighbours' privacy, will not be supported by the planning authority.

Appendix 4

Application Checklist Guide



Have you discussed the proposed works with your neighbours?	
Is planning permission required? Remember, some works can be carried out as 'Permitted Development'	
Is any other form of consent required for the works?	
Have you considered the appointment of an architect, planning consultant or other agent to act on your behalf? Though not mandatory, this can be worthwhile as agents will be familiar with the planning system and should be able to provide the drawings and supporting information to the necessary standards.	
Will any supporting information be necessary to enable the planning authority to make a full assessment of issues relevant to the proposal? For example, are there trees or protected species within the site?	
Is the building a Listed Building or within a Conservation Area? If so, it is recommended that advice is sought from the planning authority prior to submission in order to gauge the potential impact on these designations.	
Have you considered your proposal in relation to the guidance contained within the Householder Development Guide? Any proposal for householder development will be assessed against this Aberdeen Planning Guidance	
Is the proposed design consistent with the character of the property and the surrounding area?	
Would the development proposed result in any significant adverse impact on your neighbours in terms of loss of light, overshadowing and/or privacy?	
Would the proposed development result in an insufficient provision of amenity space/private garden?	
Have any changes to access and/or parking requirements been discussed with the Council in its role as Roads Authority?	

Aberdeen Planning Guidance 2023: Sub-division and Redevelopment of Residential Curtilages

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1. Introduction

1.1 Status of Aberdeen Planning Guidance

This Aberdeen Planning Guidance (APG) supports the Development Plan and is a material consideration in the determination of planning applications.

This APG expands upon the following Aberdeen Local Development Plan policies:

- Policy D1 – Quality Placemaking
- Policy D2 – Amenity

Given the timing of the Local Development Plan, a pragmatic approach has been taken to changes in the planning system. National Planning Framework 4 (NPF4) was adopted following the examination and subsequent modification of the Local Development, and the publication of a draft version of this APG for consultation. As a result, some terminology referred to in this APG may vary from the new NPF4 policy framework but it should be noted that the LDP together with NPF4 now forms the basis of the statutory development plan.

1.2 Introduction to Topic / Background

Guidance is given to ensure curtilage splits and re- development proposals, when appropriate, will have a positive impact on the streetscene and surrounding area. This Aberdeen Planning Guidance covers two related themes:

- Curtilage Splitting - the construction of houses and flats (hereafter referred to as dwellings) within the garden ground of existing residential property, and
- Redevelopment - the complete demolition and replacement of existing dwelling(s) by new dwelling(s) on the same curtilage or curtilages.

The following guidelines are not intended to cover all scenarios but are targeted at providing more specific guidance on the most commonly encountered situations. It should be noted that, although specifically targeted at residential development on sites currently in residential use, some elements of this guidance are applicable to other types of development. For instance,

non residential development within the curtilage of an existing dwelling and the construction of dwellings on greenfield and brownfield sites that are not currently in residential use.

1.3 Climate Change

Splitting a curtilage and the redevelopment of land will play a small part in reducing urban sprawl, thereby protecting space for nature, Goal 5 of [Aberdeen Adapts](#). The document aligns with the [UN Sustainable Development Goals](#) such as Goal 3 Good Health and Wellbeing by ensuring any development of this nature protects amenity for residents and Goal 11 Sustainable Cities and Communities, by using of space in a sustainable way.

1.4 Health and Wellbeing

Where we live, where we work, and where we spend our time has an important influence on our health and wellbeing. How places are designed within their urban or natural environment are vital to the health of the people and communities within them. Maintaining a good mix of different housing types and tenures helps promote a sense of belonging and a sense of control. Ensuring good access to daylight and sunlight that has been shown to positively impact upon mental health.

This guidance can help to achieve the following Public Health Priorities for Scotland:

- Priority 1: A Scotland where we live in vibrant, healthy and safe places and communities; and
- Priority 3: A Scotland where we have good mental wellbeing.

This guidance is deemed to have minimal impact on population health and wellbeing. This means that, whilst it is unlikely a Health Impact Assessment (HIA) screening report will be requested to support any planning application, this will depend on the detail and scope of the application. There may be elements of the proposals that relate to the health and wellbeing of the population that warrant consideration. If that is the case, then a screening HIA will be required, and further advice on this will be provided.

2. Aberdeen Planning Guidance

2.1 Built Form and Townscape

The location and size of any new dwellings must be in keeping with the established spatial character and built form of the surrounding area. The following principles should be considered in developing proposals:

- New dwellings must respect the established pattern of development formed by the relationship between buildings and their surrounding spaces (gardens etc.);
- The scale and massing of the any new dwellings should complement the scale of surrounding properties;
- The density of the surrounding area should be reflected in the development proposals for the new and existing property. As a general guide, no more than a third (33 per cent) of the total site area for each individual curtilage should be built upon;
- New dwellings should generally not project forward of any established building line;
- The distance between proposed dwellings, and between proposed and existing dwellings, (i.e. between gable ends) should be similar to that predominating on the street; and,
- The ridges or wallheads of any new dwellings should be no higher than the ridges or wallheads on adjoining dwellings.

Notwithstanding the above, the following may be possible:

- The conversion of existing, substantial sized, traditional granite built outbuildings at the rear of existing properties to form dwellings where the majority of the accommodation of any new dwelling is contained within the envelope of the original structure;
- Provision of a new dwelling in the rear garden of an existing dwelling on a corner site so that existing and proposed dwellings have a road frontage. In such instances, both the existing and proposed dwellings will require private garden ground and will require to have adequate privacy and amenity.
- The amalgamation or joining together of the gardens of existing dwellings to accommodate a new dwelling or dwellings and associated garden ground will not be permitted;

- In the case of the redevelopment of an exceptionally large site (if the form of development is not alien to the general pattern, density and character of dwellings in the area), it may be possible for detached houses to be built which gain access from a new private driveway or a new road constructed to adoptable standard.

2.2 Design and Materials

High quality design and materials which enhance the appearance of the surrounding area, or that provides an attractive contrast to surrounding buildings, will be encouraged.

Particular care will however be necessary to ensure that any new dwelling incorporates design elements and materials that do not have a detrimental impact on the character of the area. Facing materials should be of equal or higher standard than that of existing dwellings.

In areas where granite architecture predominates, all elevations of new development that would be prominently visible from the street (including gables) should be finished with natural granite and the main roof should be of complementary natural roofing materials (almost always natural slate). An exception may be made in circumstances where a particularly high quality modern design is proposed. Further detail can be found in the Aberdeen Planning Guidance: Materials.

2.3 Amenity

New residential development should not borrow amenity from, or prejudice the development of, adjacent land or adversely affect existing development in terms of privacy, overlooking, daylighting or sunlighting. Likewise, the new development should be afforded a reasonable amount of amenity in line with the prevailing characteristics of the surrounding area. See Amenity Aberdeen Planning Guidance for general principles.

2.4 Privacy

To ensure privacy there should be a minimum separation of 18 metres between the windows of existing and proposed habitable rooms (i.e. the shortest line joining one window opening to any part of the other).

There will be circumstances in which greater distances are appropriate – for instance where there are differences in ground levels or where higher buildings are proposed. This distance can be reduced if the angle between the windows of the

existing and proposed residential properties is offset, if effective screening exists, or if screening is proposed that would not obstruct light, adversely affect residential amenity or be unacceptable for other planning reasons – Amenity Aberdeen Planning Guidance provides further guidance.

In exceptional circumstances high level windows may be acceptable as long as they are not to habitable rooms or are secondary windows to habitable rooms (i.e. smaller windows provided in addition and usually in a different wall, to a room's main window). Any windows to habitable rooms should not look out directly over, or down into, areas used as private amenity space by residents of adjoining dwellings.

2.5 Daylight

Development proposals should satisfy the day light methods illustrated in Aberdeen Planning Guidance: Amenity. The 25 degree approach and the 45 degree approach define the point at which good daylighting can be achieved.

2.6 Sunlight

New dwellings should be designed and orientated to make the most of the opportunities offered by the site for views and sunlight in order to provide a pleasant living environment and maximise passive solar gain. Aberdeen Planning Guidance: Amenity discusses sunlight.

2.7 Garden Ground

Rear gardens of houses up to two storeys in height should have an average length of at least 9 metres and dwellings of more than 2 storeys should have garden lengths of at least 11 metres. Garden ground should be conveniently located immediately adjoining residential properties, be in a single block of a size and layout to be usable for sitting out and have an acceptable level of privacy and amenity.

It will not be acceptable for private garden ground to be situated at the street frontage of a property where it is close to / overlooked from a road. Private garden ground should also not be located under the canopy of trees or in a location that is excessively shaded by vegetation or buildings. It must also not be directly overlooked by windows of habitable rooms of adjoining residential property.

Rear garden grounds should be enclosed by solid fences or walls of at least 1.8 metres in height in order to ensure security and privacy, details of which will be secured through the evaluation of the application or via condition.

2.8 Trees

Trees make a valuable contribution to the landscape setting of urban areas. Care should be taken to position new buildings to minimise potential disturbance to the root system or the tree canopy. The loss of mature or attractive garden ground or trees where these are considered to make a significant contribution to the visual amenity of the neighbourhood will not be acceptable.

If trees are to be lost, replacement planting will be required to mitigate the loss. Policy NE5: Trees and Woodlands, and the Trees and Woodlands Aberdeen Planning Guidance provide more information.

2.9 Pedestrian/Vehicular Safety and Car Parking

With the exception of private driveways, it will not normally be acceptable for pedestrian access to be shared with vehicles e.g. where pedestrians have to walk on the carriageway of rear lanes or public roads to gain access to the development.

Car parking provision should be in line with the Council standards. Policy T3: Parking, and Transport and Accessibility Aberdeen Planning Guidance can provide more information on this topic.

2.10 Submission Requirements

In addition to the site/location, elevation and floorplans, the following information is required in order to fully assess a planning application to redevelop a residential curtilage:

- where new dwellings are proposed that either adjoin or sit between existing properties, a street elevation to a recognised scale so as to illustrate the relationship between the proposals and existing properties;
- where there are trees on or adjacent to the application site (and/or trees will be lost), an Arboricultural Impact Assessment will be required to be submitted by a suitably qualified person;
- daylight and sunlight calculations and illustrations based on the “BRE Guide, Site Layout Planning for Daylight and Sunlight – A guide to good practice”

3. Definitions

Curtilage: The land around, and belonging to, a building.

Curtilage Splitting: The construction of houses or flats within the garden ground of an existing residential property.

Wallhead: The uppermost section of an external wall.

4. Further Reading

BRE Guide, Site Layout Planning for Daylight and Sunlight – A guide to good practice

<https://images.reading.gov.uk/2022/11/ID95-Site-Layout-Planning-for-Daylight-and-Sunlight-A-Guide-to-Good-Practice-BRE-2022.pdf>