

LOCAL REVIEW BODY

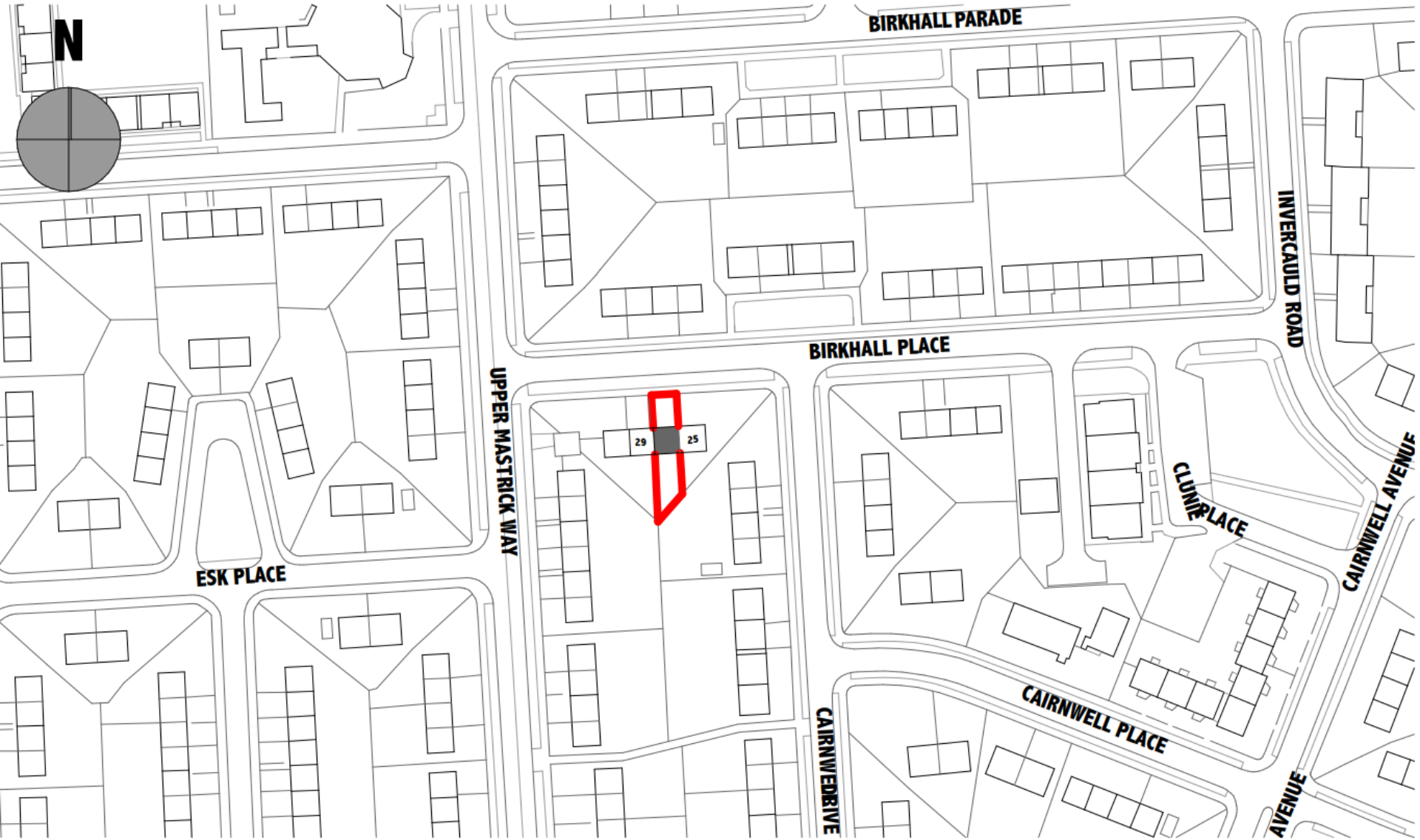


201317/DPP – Appeal against refusal of planning permission for:

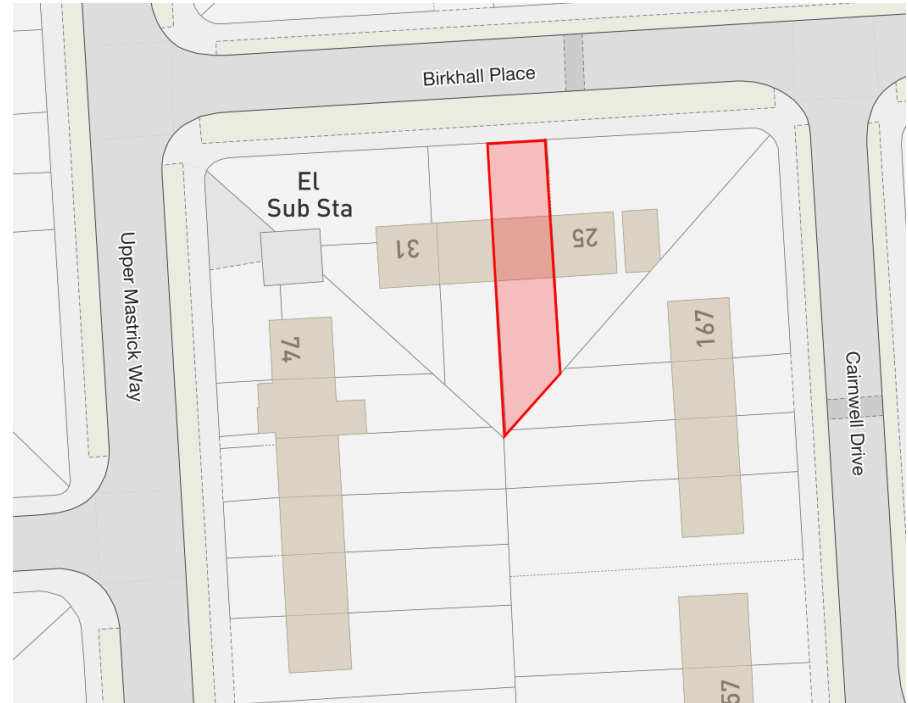
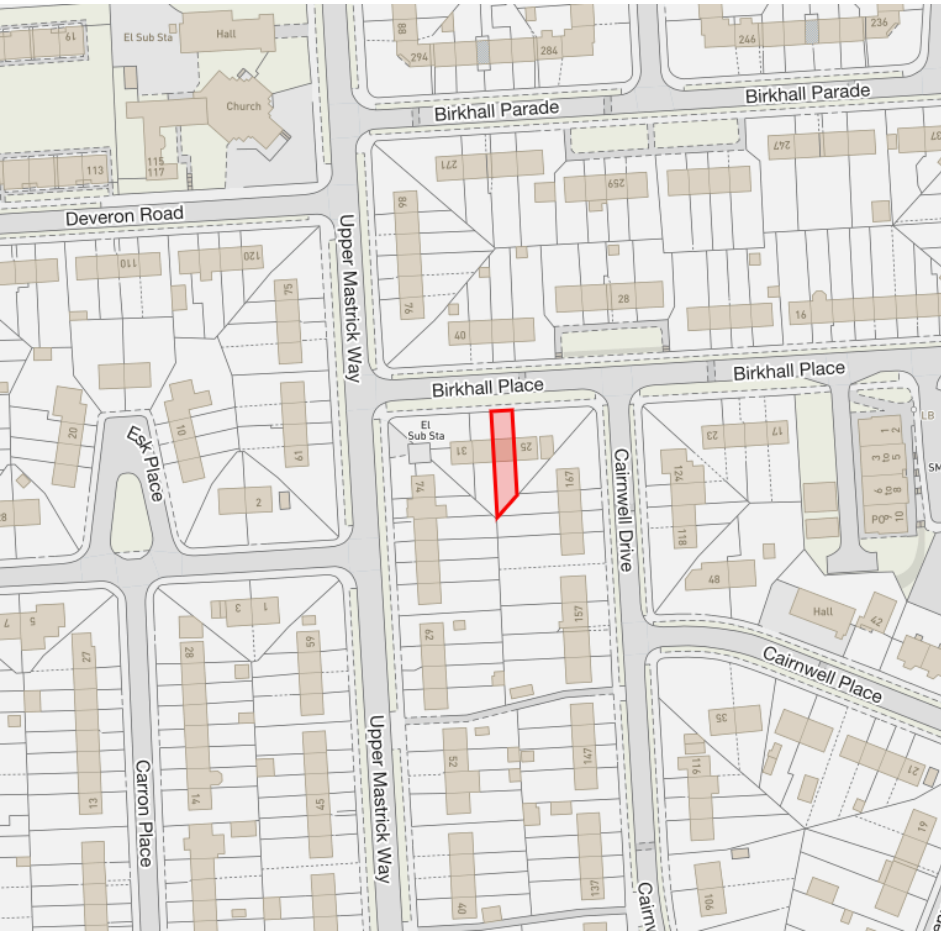
‘Formation of timber decking with external steps to rear (retrospective)’

27 Birkhall Place, Aberdeen

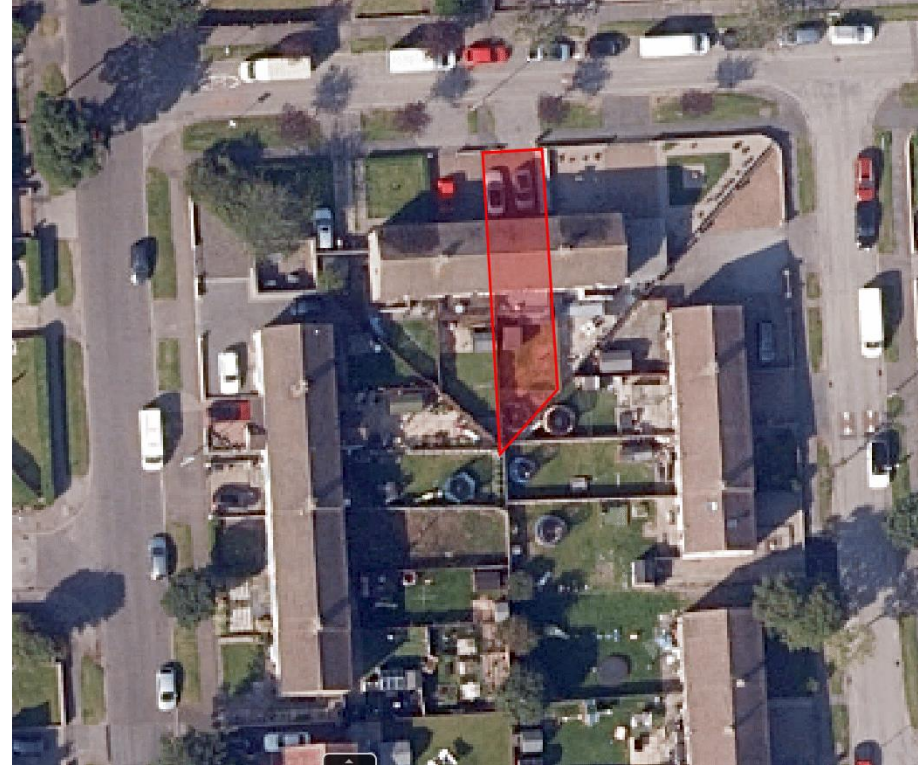
Location Plan



Location: GIS



Aerial Photos: Location



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



Photos – supplied by applicant



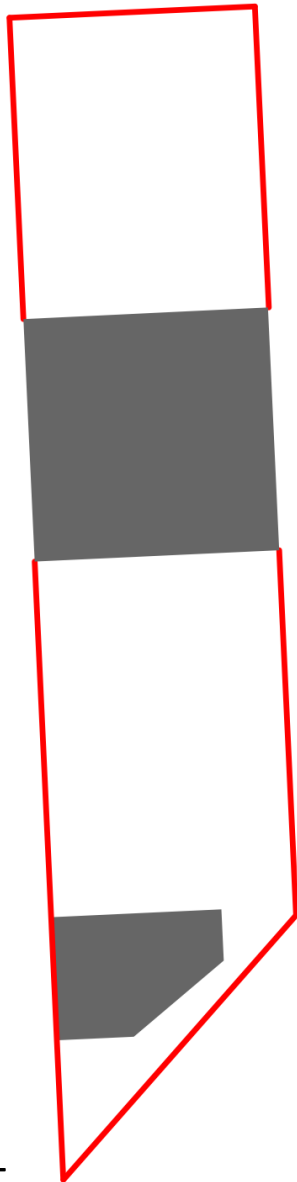
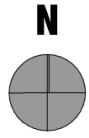
Photos – supplied by applicant



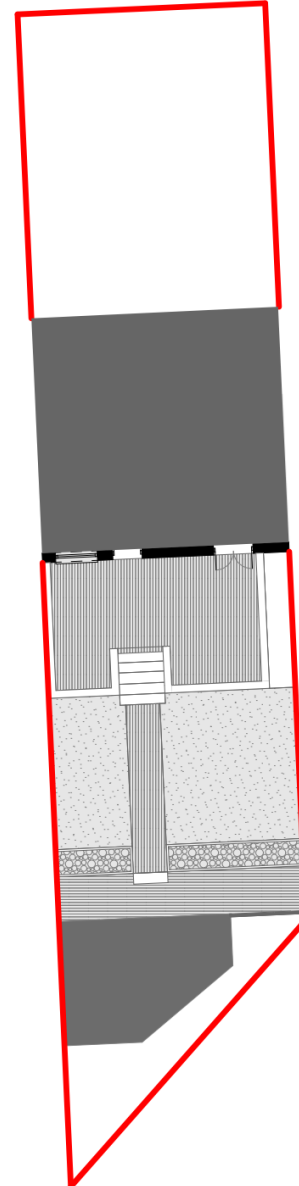
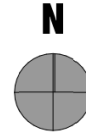
Photos – supplied by applicant



Site Plan

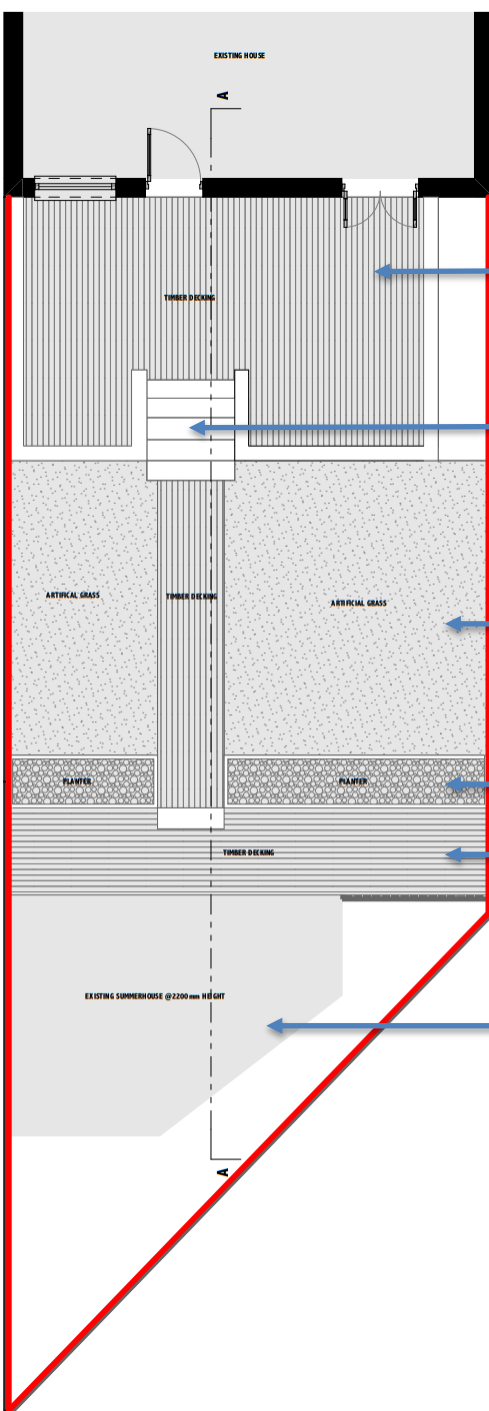


'EXISTING' /
PRE-DEVELOPMENT



PROPOSED /
IN SITU

Proposed Garden Plan



ELEVATED TIMBER DECKING

STAIRS DOWN

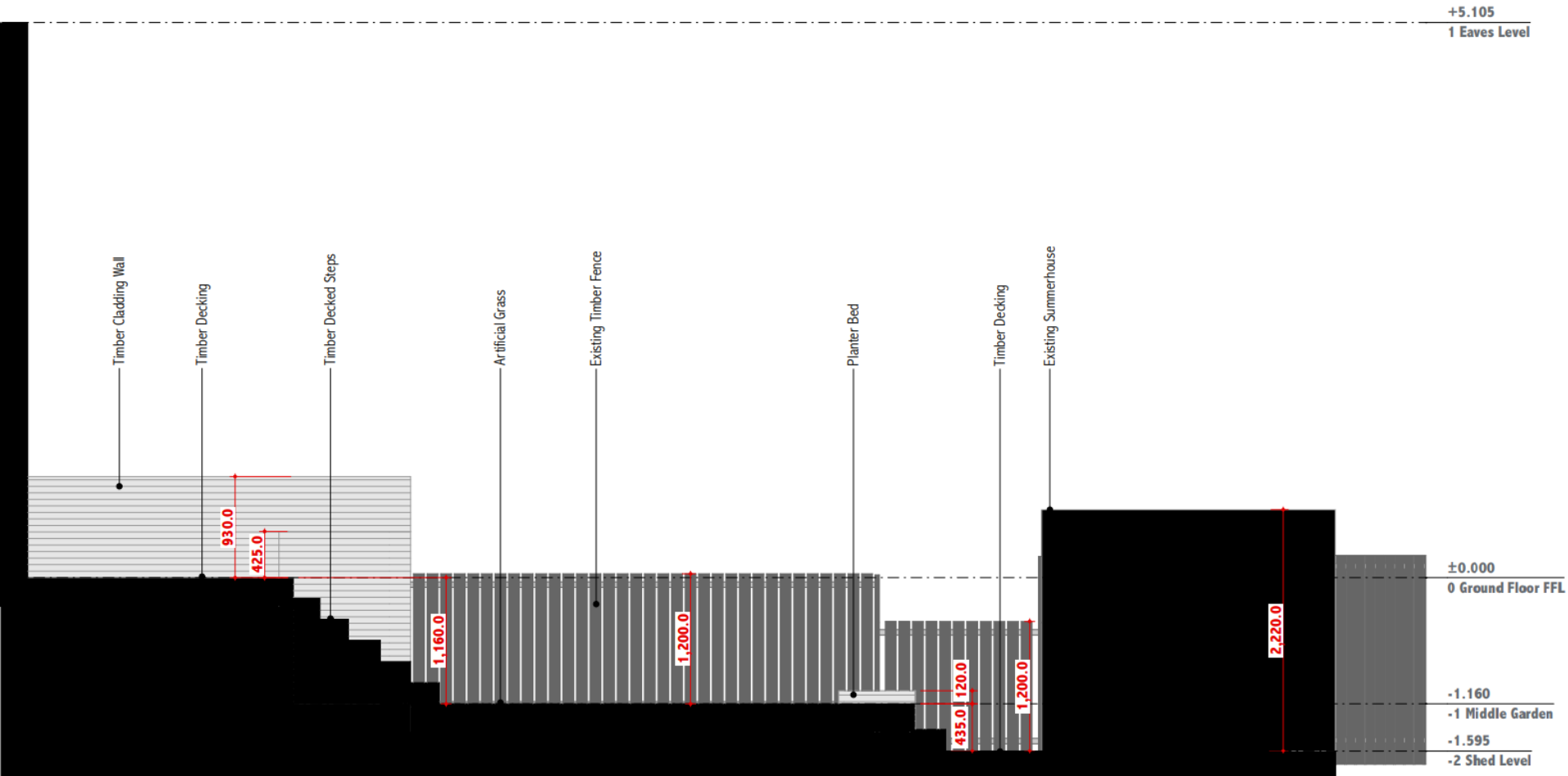
ARTIFICIAL GRASS WITH CENTRAL
PATH FORMED IN DECKING

PLANTERS

TIMBER DECKING

EXISTING SUMMERHOUSE

Proposed Section



Reasons for Refusal

- Proposal would have *“far-ranging impacts on the private amenity of both immediate adjoining properties (no. 25 and 29 Birkhall Place) and other neighbouring properties (no. 31 Birkhall Place, 74 Upper Mastrick Way and properties 165 and 167 Cairnwell Drive”* due to the height of the decking relative to neighbouring gardens and associated fences/enclosures;
- Impact on number 25 Birkhall Place, both in terms of rear garden and living room window, due to loss of privacy/increased overlooking. Similar, but less severe, impact to nos. 165 and 167 Cairnwell Drive.
- Considered to be contrary to Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the ALDP, as well as the relevant "general principles" and guidance set out in Section 3.1.10 of the Householder Development Guide SG
- Also in conflict with policies D1, D2 and H1 of the Proposed ALDP
- No overriding material considerations in favour of approval

Applicant's Case for Review

Stated in Notice of Review (no accompanying statement). Key points:

- The decking in the rear garden was upgraded as a result of the existing timber becoming damaged and rotting.
- The heights of the decking have not been altered from previous/existing decking levels.
- There is a number of examples in the local area/neighbouring properties, in which similar works have been completed.
- Both neighbouring properties to 27 Birkhall Place have decking at the same level. These works were carried out to be in keeping with the levels of both neighbours' decking.

Additional representations

- Parties who had made earlier representations on the planning application are invited to make any further comment on submission of the Notice of Review
- Neighbour at no.25 has indicated that they would be satisfied with the decking being 'decreased by a metre away from our living room window' and the lower area of decking being taken away from the boundary fence, to which it is affixed. A photo was enclosed (below), showing the garden of no.25





D1: Quality Placemaking by Design

All dev't must *“ensure high standards of design and have a strong and distinctive sense of place which is a result of context appraisal, detailed planning, quality architecture, craftsmanship and materials”*.

Proposals will be assessed against the following six essential qualities:

- Distinctive
- Welcoming
- Safe and pleasant
- Easy to move around
- Adaptable
- Resource-efficient



H1: Residential Areas

- Is this overdevelopment?
- Would it have an *'unacceptable impact on the character and amenity'* of the area?
- Would it result in the loss of open space?
- Does it comply with Supplementary Guidance?

(e.g. Householder Development Guide SG)

Householder Development Guide SG

Proposals should:

- Be ***“architecturally compatible with original house and surrounding area”*** (design, scale etc)
- Should not ***‘dominate or overwhelm’*** the original house. Should remain visually subservient.
- Should not result in adverse impact on **privacy, daylight, amenity**
- Approvals pre-dating this guidance do not represent a **‘precedent’**
- Footprint of dwelling should not exceed **twice that of original house**
- **No more than 50% of front or rear curtilage** may be covered (anything less than that considered on its merits)
- In relation to decking, states that proposals *“should not result in an adverse impact upon the amenity of adjacent dwellings, including both internal accommodation and external private amenity space”*
- In relation to fences 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’: and*
 - *‘proposals for boundary enclosures will not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings’*

Points for Consideration

Zoning: Does the proposal comply with the tests set out in policy H1 (Residential Areas)?

Design: Is the proposal of sufficient design quality (D1) - *having regard for factors such as scale, siting, footprint, proportions relative to original, materials, colour etc?*

Does it accord with the general principles set out in the 'Householder Development Guide', and the specific commentary on decking?

- 1. Does the proposal comply with the Development Plan when considered as a whole?**
- 2. Are there any material considerations that outweigh the Development Plan in this instance?**

Decision – state clear reasons for decision

Conditions? (if approved – Planning Adviser can assist)