

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

John Wink
John Wink Design
Midtown Of Foudland
Glens Of Foudland
Huntly
AB54 6AR

on behalf of **Mr & Mrs M Freeman**

With reference to your application validly received on 11 July 2023 for the following development:-

Erection of replacement dwelling house with integrated garage, associated site works and hard surfacing/parking at 32 Hillview Crescent, Aberdeen

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

<u>Drawing Number</u>	<u>Drawing Type</u>
SF32331-001 H	Elevations and Floor Plans
SF32331 E	Site Layout (Proposed)

DETAILS OF ANY VARIATION MADE TO THE ORIGINAL APPLICATION

- The extent of parking and hard surfacing proposed at the site frontage has been reduced and a proposed SUDS feature indicated in the front garden;
- Design and extent of rear dormer increased.

REASON FOR DECISION

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

1. Lack of Information

Insufficient information has been provided in order to enable full analysis of the potential impact of the development in relation to impact on and/or protection of trees, biodiversity enhancement and landscaping, energy and water saving measures, surface water drainage, sunlight impact assessment on adjacent private gardens. Thus it has not been demonstrated that the proposal complies with policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation); 3 (Biodiversity); 6 (Forestry, Woodland and Trees); 22 (Flood Risk and Water Management) within National Planning Framework 4 (NPF4) and policies NE3 (Our Natural Heritage), NE4 (Our Water Environment), NE5 (Trees and Woodland), D2 (Amenity), D5 (Landscape Design) and R6 (Low and Zero Carbon Buildings and Water Efficiency) within the Aberdeen Local Development Plan 2023 (ALDP).

2. Amenity / Overdevelopment

The scale and positioning of the proposed house relative to adjacent houses, such that it would exceed the existing wall-head and ridge heights, would have a substantially enlarged roof form that would occupy an increased width of the curtilage, is considered to be indicative of overdevelopment of the site. The proposal has an adverse impact on existing amenity by reason of the potential overlooking of adjacent private gardens from the upper floor rear windows. The scale, form and massing of the proposed house would adversely affect the streetscape. It would also result in an uneasy relationship with the neighbouring properties due to the significantly higher wall-head and ridge heights, the proximity to the side boundaries and excessive size of the proposed rear dormer. It is therefore considered that the proposal conflicts with the amenity and design quality objectives of NPF4 Policy 14 (Design, Quality and Place) and ALDP policies H1: Residential Areas, H2: Amenity and D1: Quality Placemaking.

3. Precedent

Approval of the application would result in the creation of an adverse precedent for similar proposals in the vicinity which would have further adverse effects on the street scene and amenity by reason of the scale and massing of the proposed house relative to the prevailing character.

Date of Signing 30 October 2023



Daniel Lewis

Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

RIGHT OF APPEAL

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

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

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

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

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