

GROUNDS FOR REVIEW STATEMENT

ON BEHALF OF MR MARTIN LIVINGSTONE

**Installation of replacement single storey extension to rear of 81 Gray Street
Aberdeen, AB10 6JD**

Application Reference: 240798/DPP

October 2024

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EXECUTIVE SUMMARY

Planning application reference 240798/DPP for the Installation of a replacement single storey extension to the rear of 81 Gray Street was refused by Aberdeen City Council on 22 August 2024. The applicant is seeking a review of that decision.

Planning Officers, in their report of handling, agree that the proposals comply with development plan policy for the majority of criteria. The area of disagreement relates to the impact the proposal will have on No79 Gray Street and Planning Officers perception that the proposed extension will be overbearing and create a tunnelling effect. Our request for a review is to consider this element in further detail as we believe their concerns have been overstated and cannot be justified. It is our submission, that the amenity of No79 Gray Street will not be compromised. Indeed daylighting to the property is increased as a result of the lower roof height to this proposed extension than the existing one. In addition, the neighbour at No79 Gray Street is supportive of the proposals and does not share the concerns of the Planning Officers. Additionally, it is material that the owners of No79 Gray Street recently secured planning consent for a new extension which removes the gap between their existing extension and No81 Gray Street and therefore any perception of tunnelling and overbearing will be removed in its entirety.

1. INTRODUCTION

1.1 This statement has been prepared on behalf of Mr Martin Livingstone (the applicant) in support of the request for a review of the decision to refuse planning application reference 240798/DPP for the Installation of a Replacement Single Storey Extension to the rear of 81 Gray Street, Aberdeen, AB10 6JD.

1.2 The planning application was lodged on 26 June 2024. The decision notice (Document 1) was issued on 22 August 2024 and provided the reason for the refusal as being:

“The proposed single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outline in the Council’s Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.”

1.3 The purpose of this statement is to set out the applicant’s reasons for seeking a view and to demonstrate that planning permission should in fact be granted for the proposed development as the impact of the proposals on No79 Gray Street which is the key reason for refusal is overstated and cannot be justified.

1.4 It is requested that Member of the Local Review Body visit the site as part of their consideration of the planning application in order to see the existing context of the site and its surroundings.

2. THE SITE, PROPOSALS AND PLANNING HISTORY

2.1 The site is located to the south west of Aberdeen on Gray Street. The street itself is of traditional character with 2-storey granite terraces on the west side of the street and 1½ storey granite terraces on the east side. The application site, no 81, is located on the east side. The site forms part of a terrace from no 71 to no 85. Opposite the house is Broomhill Primary School. To the rear of no81 is the garden of no162 Broomhill Road.

- 2.2 The plot is formed by a 1½ storey dwelling house with a front garden to Gray Street and path to the front door. The rear of the house has two single storey extensions. The existing extension to the north of the site currently comprises a bedroom and extends 4.4 m from the rear façade of the original house. It has a flat roof. The extension to the south includes the kitchen and extends to 5.4 m from the existing façade. The roof is a single pitched roof sloping from the south to the north. The remainder of the rear garden is laid to lawn and patio. There is also a small shed located in the south east corner of the site.
- 2.3 Properties in Gray Street, like many to the west of Aberdeen, have typically been extended to the rear and there are a range of extensions as shown in the aerial image below. These typically range in size, style and age.

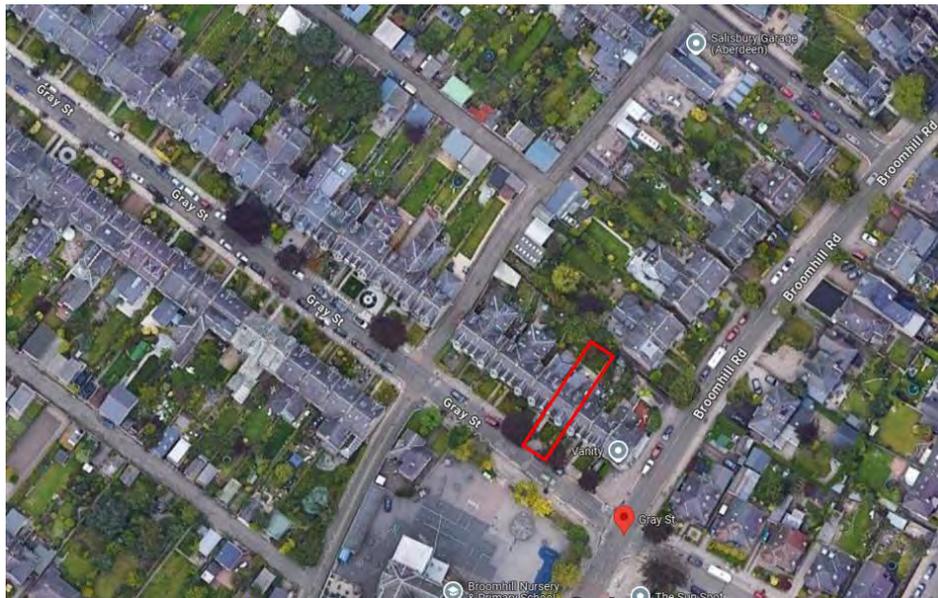


Figure 1: Aerial image of Gray Street and surrounding area. Site shown in red outline. Image courtesy of Google

- 2.4 The proposal is to remove the majority of the existing extension walls as shown on drawing 4285_PL_00_002 (Document 2) and shown below. An extract is shown below:



Figure 2: Image showing proposed demolitions to rear (east elevation). All demolitions shown in red.

2.5 The existing extension will then be replaced with a single one storey extension in order to consolidate the internal space and provide a bigger open plan kitchen/dining space that meets the requirements of modern living. The proposed extension is stepped on the north east boundary and longer on the south boundary. It spans the width of the existing house except for the "step-in" referred to above. The north east part of the extension will extend 2.1m beyond the existing bedroom extension. The southern element will extend 3m beyond the existing kitchen extension. The image below shows the proposed extension in the context of the removed extensions. The image on the left shows the existing extension (red dashes) and the image on the right show the existing extension in green hatch and the proposed extension in pink. The proposed extension is 0.6m lower than the existing one on the northern boundary.

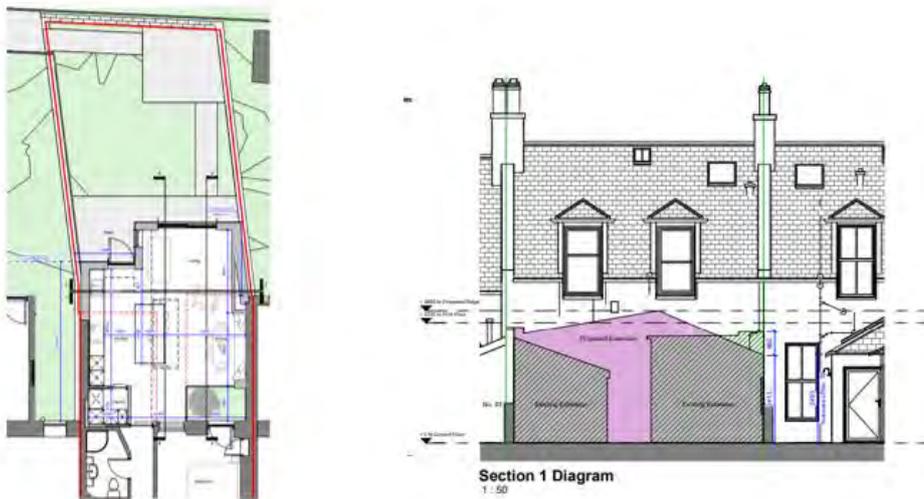


Figure 3: Image showing proposed extension in context of existing extension (red dash) (refer to drawing no 4285_PL_004 for detail)

2.6 The image below shows the proposed roof plan in the context of the surrounding properties. Its scale reflects existing extensions within the vicinity of the site.



Figure 4: Image showing proposed extension in context of the surrounding area.

2.7 For completeness, the images below show the existing and proposed rear (east) elevations:



Figure 5: Existing and proposed East Elevations.

2.8 The planning history of the site is relevant to this proposal. Application reference 231519/DPP for the Installation of a Replacement of a Single Storey Extension to the Rear of 81 Gray Street was lodged by the applicant in December 2023. This application was refused on 29 May 2024. The refusal notice for this earlier planning application had a similar reason for refusal expressing concern on the impact on 79 Gray Street but it incorrectly referred to the proposed extension following the line of the wall, and kinking northward. Whilst the drawings referred to in the decision notice were the most up to date ones, the references to the extension following the line of the wall in fact relate to superseded drawings. For this reason, it was considered appropriate to lodge a fresh planning application in order to ensure there was no ambiguity and to confirm all matters had been addressed appropriately. The revised application also reduced the height of the roof of the extension and reduced the wall area abutting No79 in order to address officer's concerns. It was also hoped that there could be meaningful dialogue with officers on the application. However, this current application was refused without any engagement with the applicant or their agent.

3. DEVELOPMENT PLAN AND MATERIAL CONSIDERATIONS

3.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that when determining planning applications regard is to be had to the development plan unless material considerations indicate otherwise. The policies of the development plan relevant to this planning application are listed on page 3 under the headings "National Planning Framework 4" (NPF4) and "Aberdeen Local Development Plan 2023" (ALDP) of the Report of Handling and we agree that the

policies listed are the appropriate ones to take account of when determining this planning application.

- 3.2 There are a number of material considerations to be taken account of when determining this planning application. One of these is the Aberdeen Planning Guidance (APG) which is also referred to in the Report of Handling and the reason for refusal. The APG has been adopted as non-statutory planning advice. The Aberdeen City Council website confirms the "suite of documents sit alongside the Aberdeen Local Development Plan 2023 and provide more detailed information on its policies and sites. They will be used as material considerations in the determination of planning applications." We agree that the APG can be considered to be a material consideration in the determination of planning applications. It is important however that the appropriate weight is attached to the APG as it is advice and particularly in the case of householder applications cannot be applicable to all situations and circumstances.
- 3.3 Other material considerations that apply to the determination of this application are the existing townscape and existing extensions to the dwelling and also Planning Consent reference 240739/DPP for the Erection of a Single Storey extension to the rear of no79 Gray Street. These will be discussed further below.

4. ASSESSMENT OF THE PLANNING APPLICATION

- 4.1 The application requires to be assessed against the development plan and other material considerations as per s25 of the Town and Country Planning (Scotland) Act 1997 (as amended). This is what the planning officer has done in the Report of Handling (Document 3). It is therefore not helpful to reiterate the various policies. For this reason, this section of our justification for a review considers the application of policy by the Planning Officer and identifies where we disagree with the Officer's conclusions. We note and agree with much of the assessment of the planning application under the "evaluation" section of the "Report of Handling."
- 4.2 *Overdevelopment and Loss of Open Space*
- 4.2.1 In terms of Policy H1 of the ALDP, we agree with officers that the proposal does not constitute overdevelopment as, as set out on page 4 of the Report of Handling under the heading "Overdevelopment and Loss of Open Space", the proposal does not double the original footprint of the dwelling and does not result in more than 50% of the rear curtilage being developed as guided by the APG. It also does not remove open space as the development is fully within a private garden.
- 4.3 *Impact on Character and Amenity of the Surrounding Area*
- 4.3.1 We note and agree with many of the conclusions reached by officers under the above heading which assesses the proposals in terms of Policy 14 and Policy 16(g) of NPF4 and Policy D1 (Quality Placemaking) of the ALDP. We agree with the Officer's

conclusions that the design and materials are acceptable and compatible with the existing dwelling.

- 4.3.2 In terms of the assessment of scale, we welcome and agree that when taking the existing extension and neighbouring extension to the south there will be no impact on privacy, daylighting or overshadowing on 83 Gray Street.
- 4.3.3 We do not agree with Planning Officer's conclusions however in respect of the impact of the proposed extension on No 79 Gray Street, to the north of the site. The architects took time and care working with the applicant to ensure that their requirements were met without compromising their neighbour's amenity. They have worked to reduce the height of the extension along the northern boundary from 3m to 2.4m to ensure maximum light is offered to the neighbouring property. Officers refer to the increased projection of the extension along the northern boundary as being their main concern. However, we believe their concerns in respect of No79 have been overstated and cannot be justified. It is suggested by Officers that the additional length of building will create an overbearing and tunnelling effect. The images below show space between the extension at No79 and No81 both prior (left) to development and post development (right). Indeed, as the proposed extension is lower in height than the existing building there is material benefit to the daylight to No 79 Gray Street.



Figure 6: Existing (left) and proposed (right) daylighting at no79 Gray Street

- 4.3.5 Planning Officers at paragraph 2, page 6 of the Report of Handling suggested that although the daylight is improved from the current situation, they consider the north west elevation to be "excessive" and will have an adverse impact on the neighbouring property. However, as they have concluded elsewhere there is no impact on daylighting or amenity it is not known what is being referred to. Additionally, the scale of the extension is in keeping with the scale of those on properties in the vicinity of the site and is therefore not considered to be excessive.
- 4.3.6 The applicant's neighbour submitted a letter of support to the previous application (Document 4). Unfortunately, officers received this after they had determined the application and therefore it was not considered. It is however material as the neighbours were satisfied that their daylight would not be affected. Furthermore, it

is a material consideration that the owners of No79 Gray Street have secured planning permission to extend their existing rear extension (Ref 240739/DPP - granted 12 August 2024) to include the area between their south gable and the wall at No81 Gray Street. This means there will be no space and no windows on this southern elevation and therefore all suggestions of tunnelling and loss of daylight are removed. Planning Officers have disregarded this as a material consideration on the basis of it not yet being constructed/it may not be constructed. The neighbour has gone to the effort and expense to secure a planning application and planning consent was only granted a matter of weeks ago. We understand however, that works are due to commence in October/November 2024. As a result of the proposed extension, the owner of No79 has clearly demonstrated that light from the south is not a priority for them by removing all windows in this location.

5. CONCLUSIONS AND RECOMMENDATIONS

- 5.1 It is our opinion that the proposed extension at 81 Gray Street complies with development plan policy. It is of a scale appropriate to its surroundings, it does not constitute overdevelopment and does not impact on the privacy or amenity of surrounding properties. It is therefore respectfully requested that planning permission is granted for this application.

DOCUMENTS

Document 1 - Decision Notice



DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Alyx Stickle
Tinto Architecture
Mill House
Grandholm Crescent
Aberdeen
AB22 8BB

on behalf of **Mr Martin Livingstone**

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	240798/DPP
Address of Development	81 Gray Street Aberdeen AB10 6JD
Description of Development	Installation of replacement single storey extension to rear
Date of Decision	22 August 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 single storey extension, due to its projection on the north-west elevation, would far exceed the criteria outlined in the Council's Householder Development Guide Aberdeen Planning Guidance for the projection of extensions along mutual boundaries in terraced properties. The projection of the extension would result in an overbearing impact and unacceptable tunnelling effect on the neighbouring property at 79 Gray Street, whilst also creating further overshadowing of that property, therefore the works do not comply with the criteria set out in Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) of National Planning Framework 4 (NPF4). Due to the significant adverse impact on the amenity of the neighbouring property, the proposal also conflicts with the criteria detailed within Policy H1 (Residential Areas), Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the Aberdeen Local Development Plan 2023.



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

4285_EX_90_001 A	Location Plan
4285_PL_00_002 A	Proposed Demolitions
4285_PL_90_001 B	Proposed Site and Location Plans
4285_PL_05_001 B	Proposed Sections 1 and 2
4285_PL_05_002 B	Proposed Sections 3 and 4
4285_PL_04_001 B	Proposed Elevations
4285_PL_00_001 B	Proposed Plan and Renders
4285_PL_00_104 A	Diagram with Context
4285_PL_00_003 A	Proposed Plan with Context
4285_PL_00_004 A	Diagrams

Signed on behalf of the planning authority

A handwritten signature in blue 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/>.

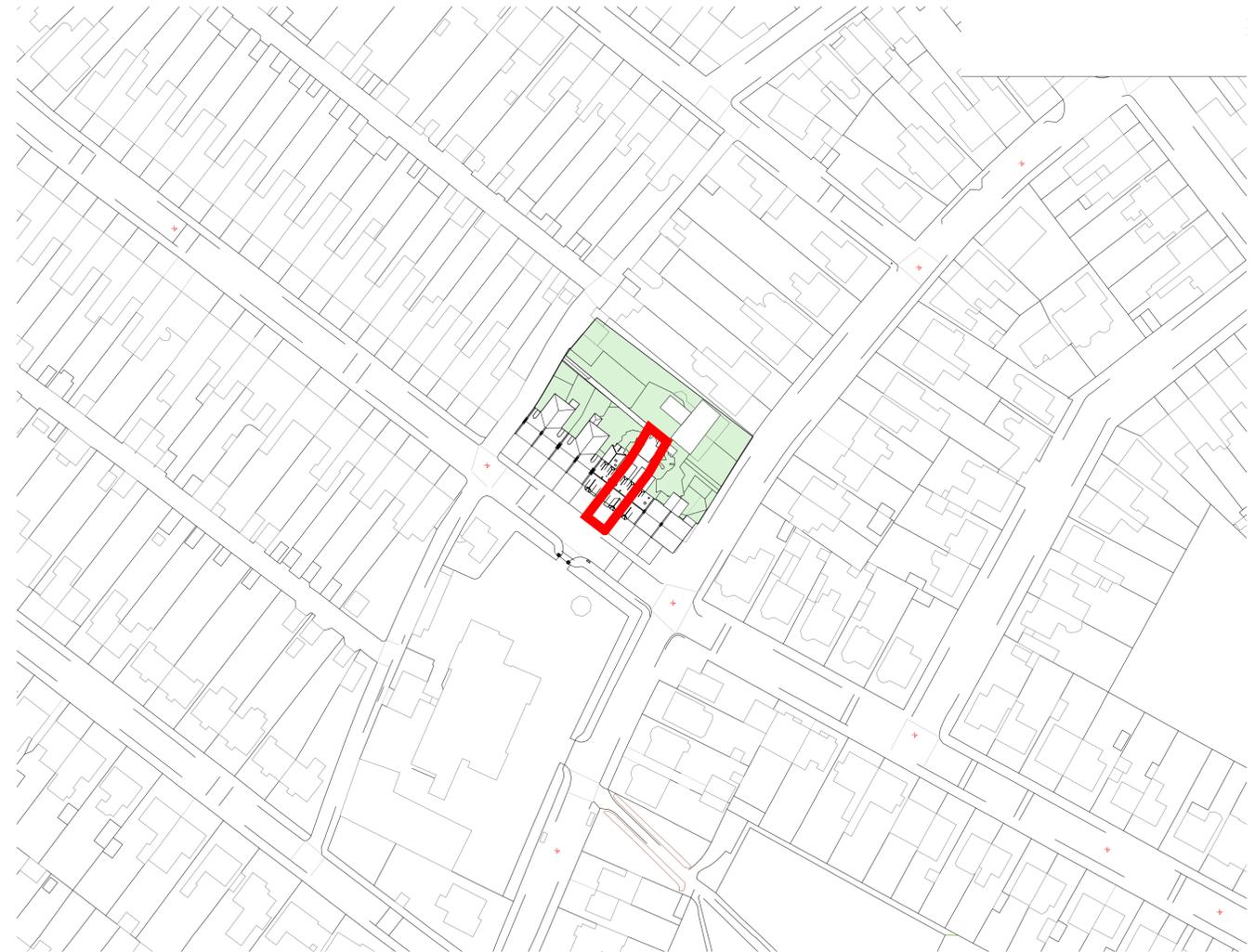
SERVICE OF PURCHASE NOTICE

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.

Document 2 - Planning application drawings



Existing Site



Location



Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



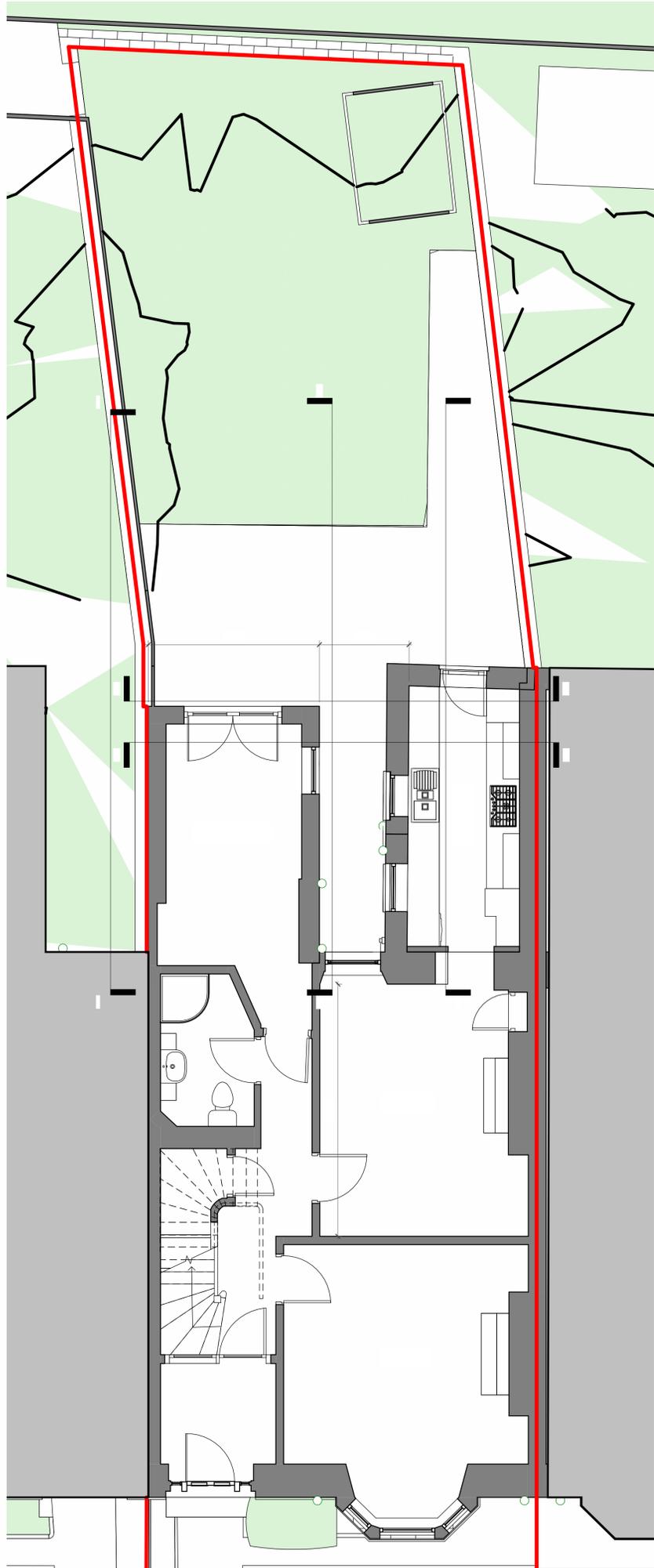
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Site and Location Plans

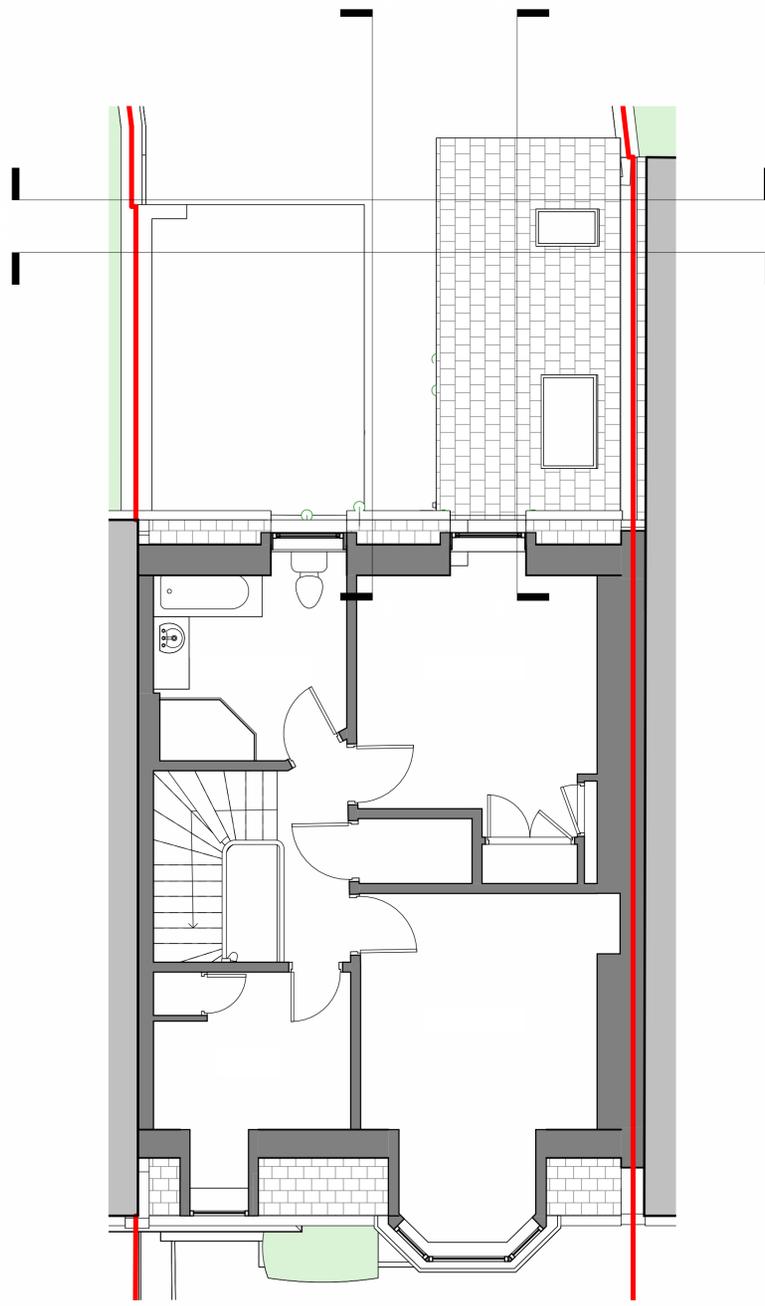
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Existing Ground Floor

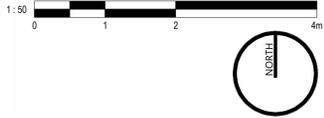


Existing First Floor



Existing Roof Plan

General Notes:



Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
 Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Existing Floor Plans

Sheet No: 4285_EX_00_001 Date: 25.06.24

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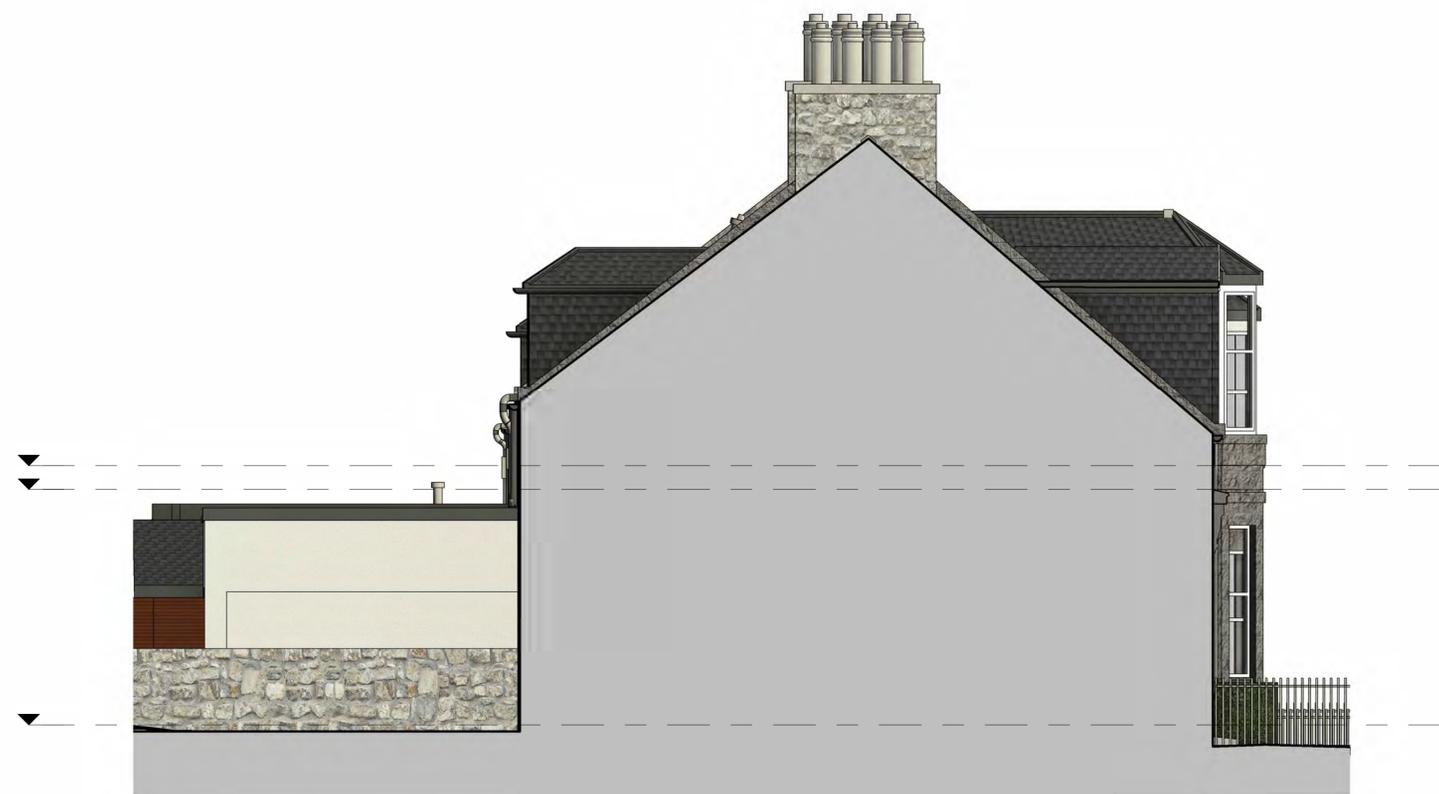
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Existing South Elevation



Existing West Elevation



Existing North Elevation



Existing East Elevation

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



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Project: 81 Gray Street
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Title: Existing Elevations

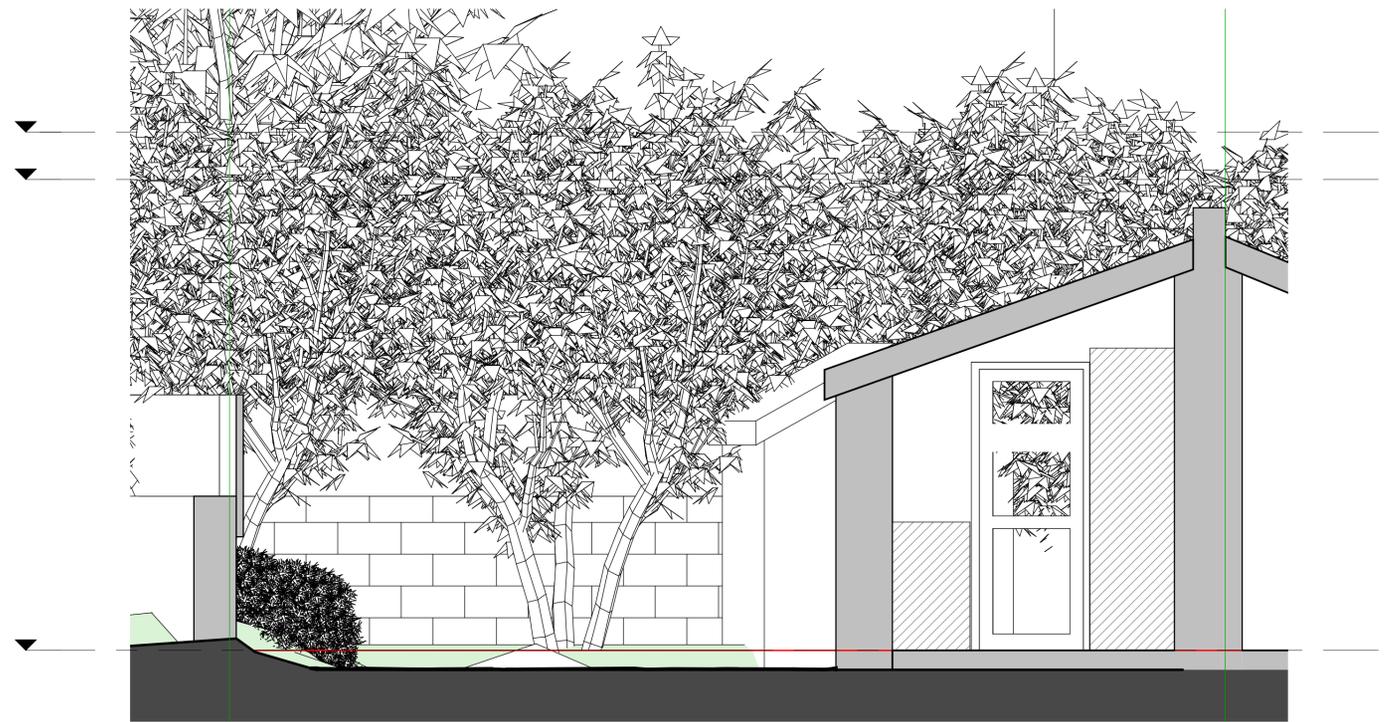
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Existing Section 1



Existing Section 2

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



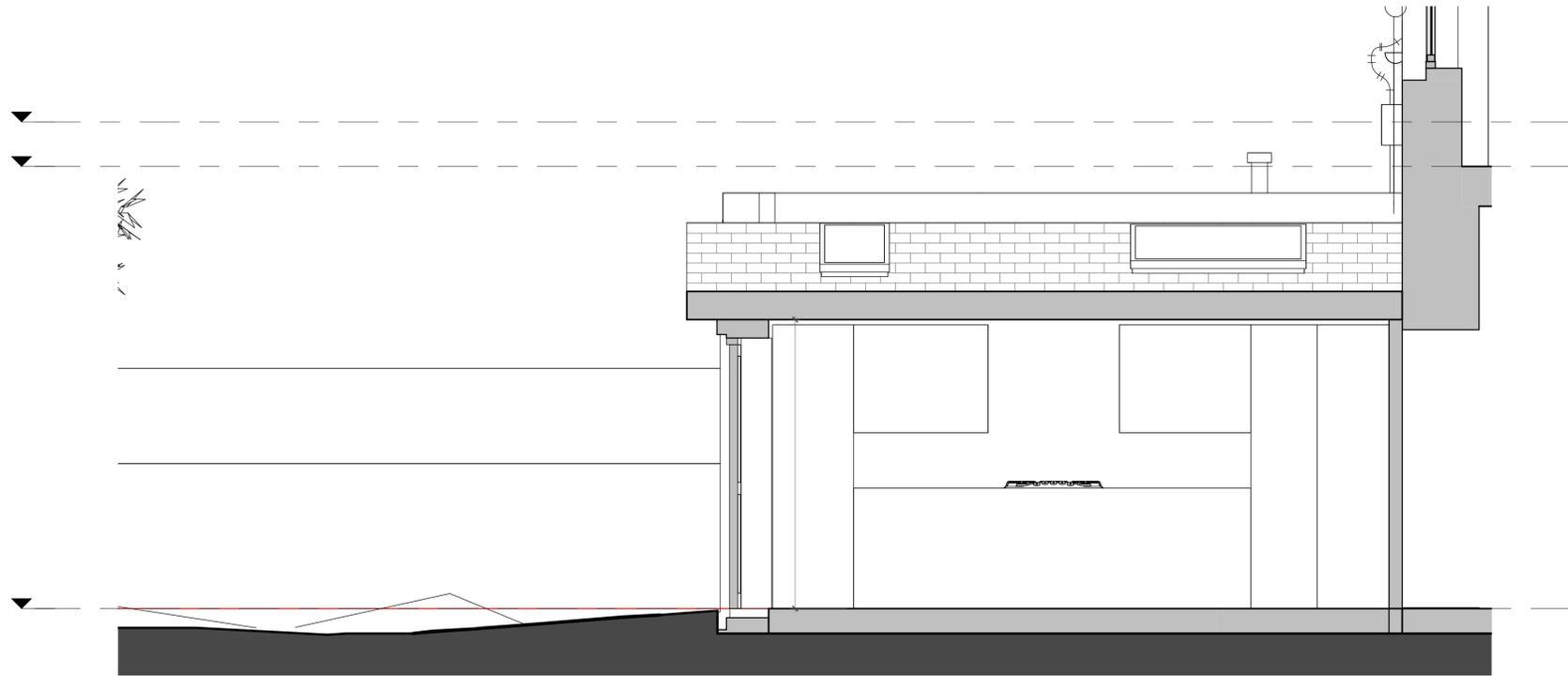
Client: Mr & Mrs Livingstone
Project: 81 Gray Street
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Title: Existing Sections 1 & 2

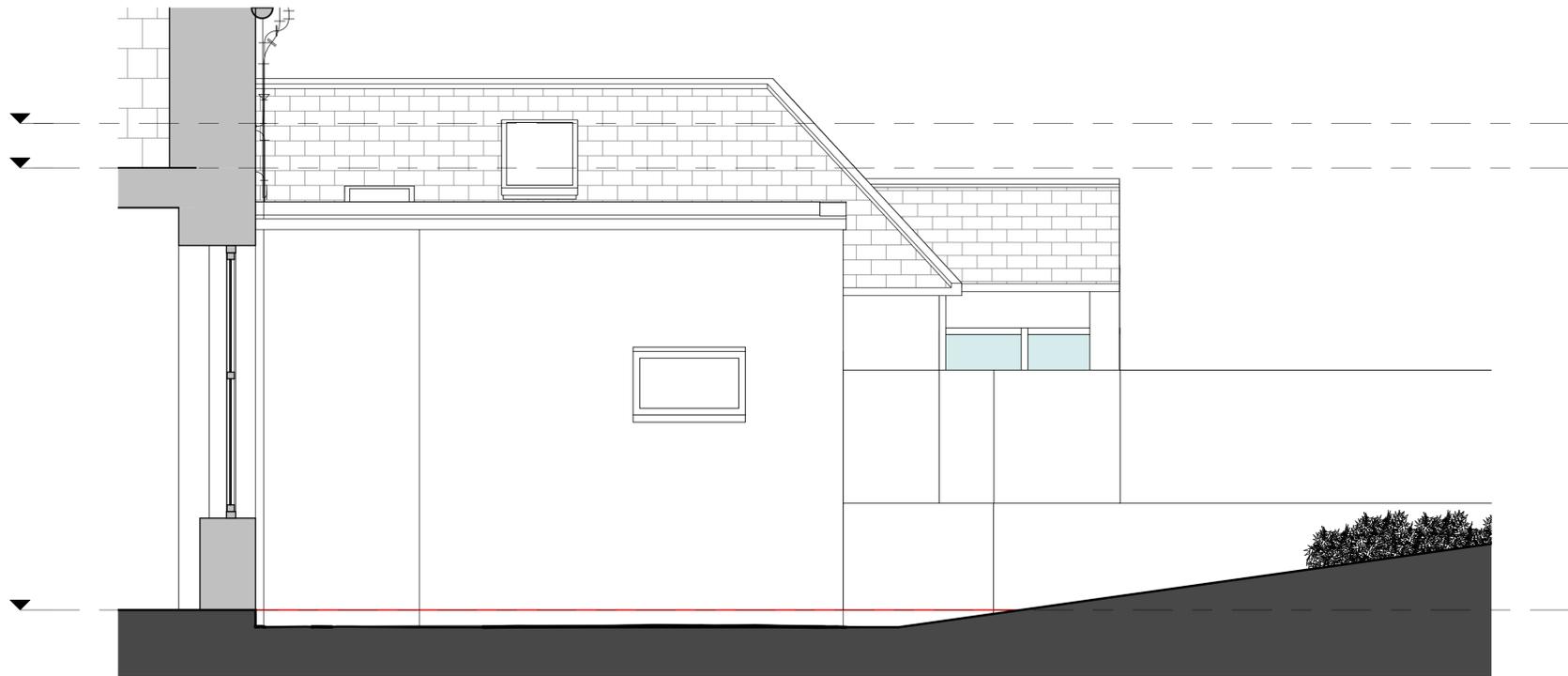
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Existing Section 3



Existing Section 4

Rev	Description	By	Date
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone

Project: 81 Gray Street
Aberdeen, AB10 6JD

Title: Existing Sections 3 & 4

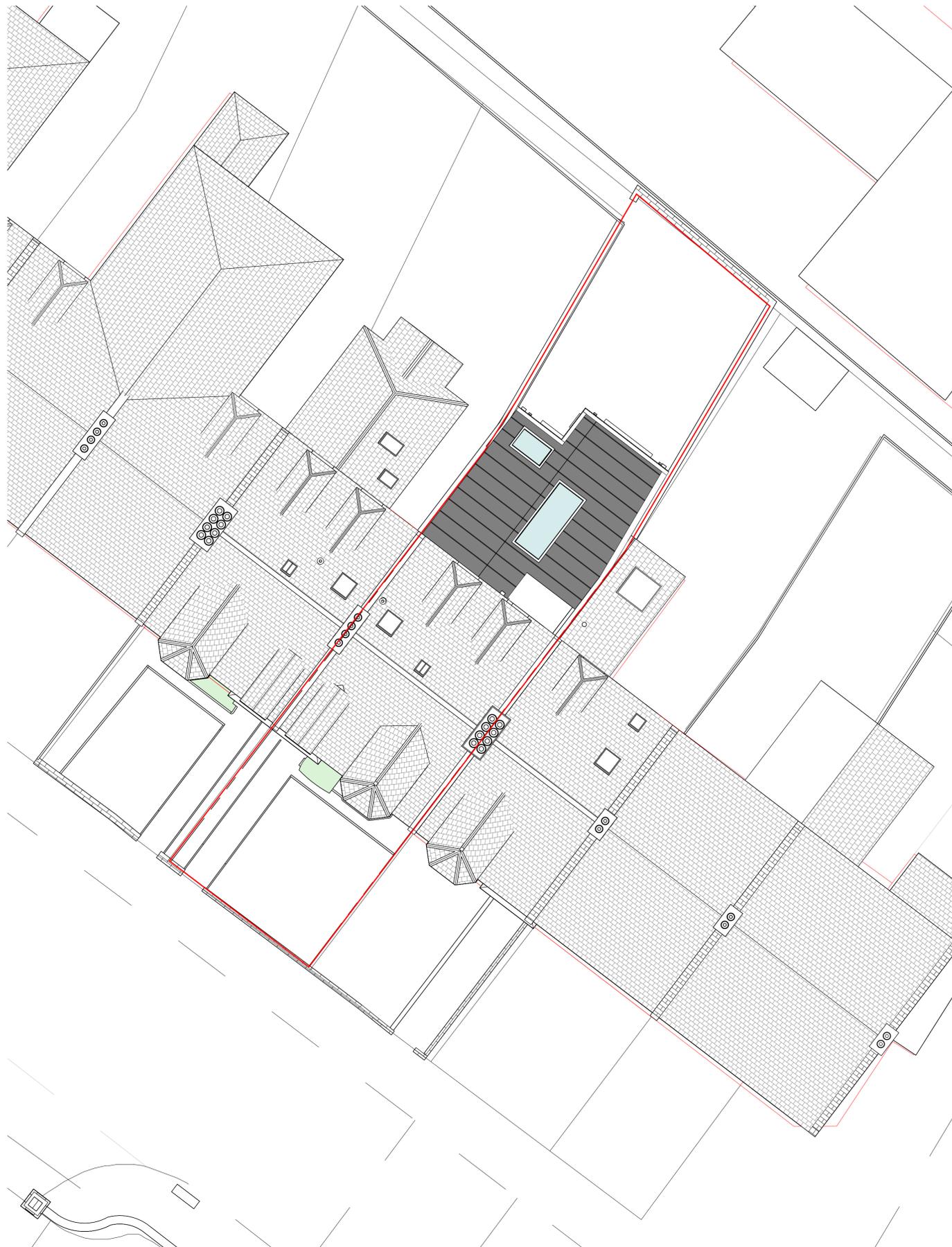
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Proposed Site



Location



B	Site boundary lineweight reduced.	AS	19.07.24
A	Planning Submission	AS	25.06.24
Rev	Description	By	Date



Client: Mr & Mrs Livingstone

Project: 81 Gray Street
Aberdeen, AB10 6JD

Title: Proposed Site and Location Plans

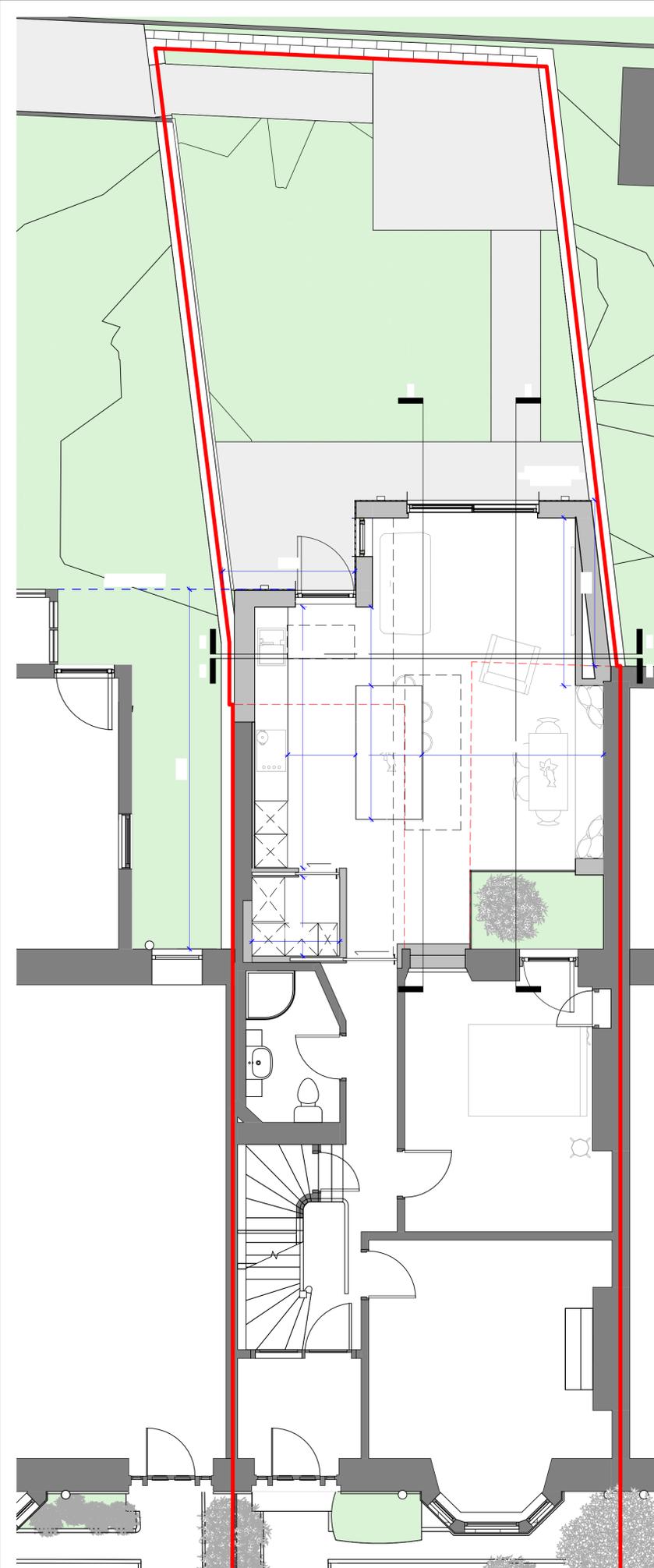
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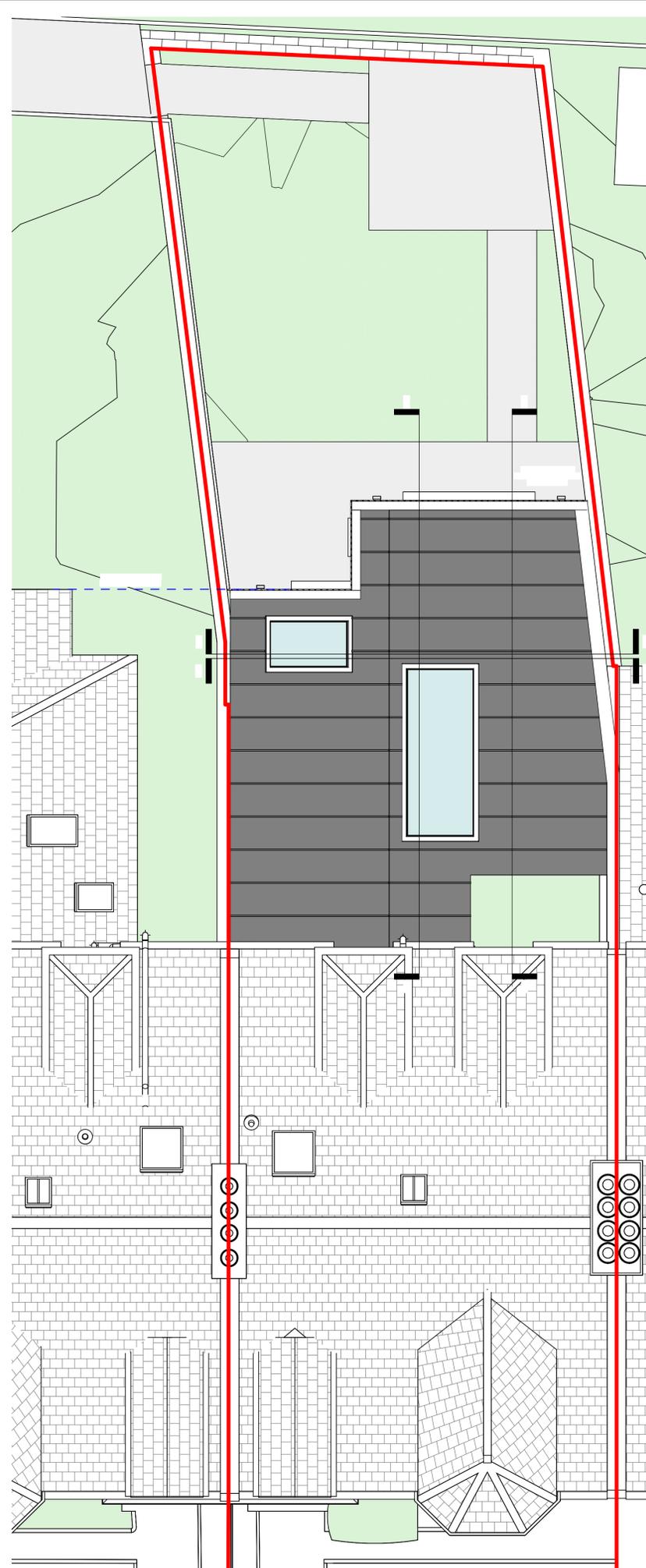
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Proposed Ground Floor Plan



Proposed Roof Plan



General Notes:

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Legend:

- Dark Grey: [Symbol]
- Light Grey: [Symbol]
- Red Dashed Line: [Symbol]

North Arrow

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
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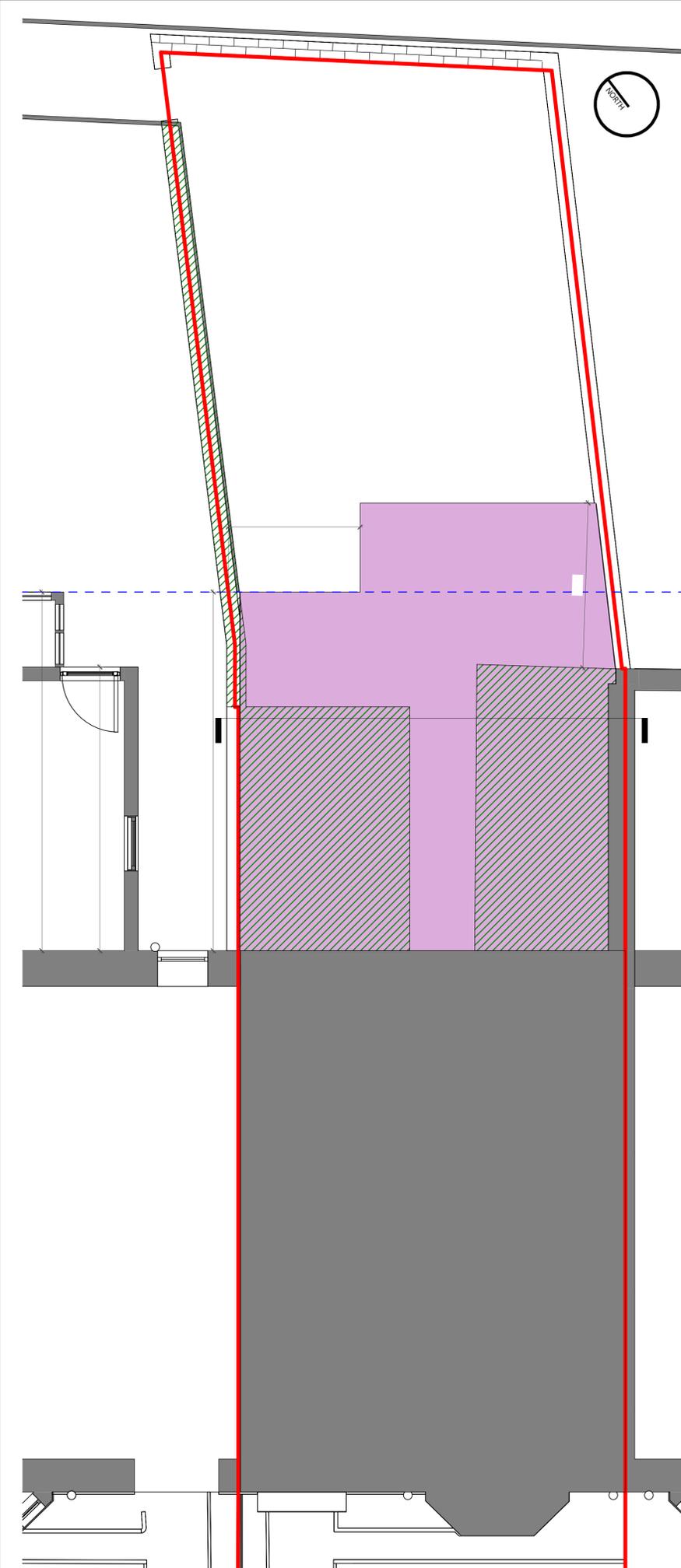
Title: Proposed Plan & Renders

Sheet No: 4285_PL_00_001 **Date:** 25.06.24
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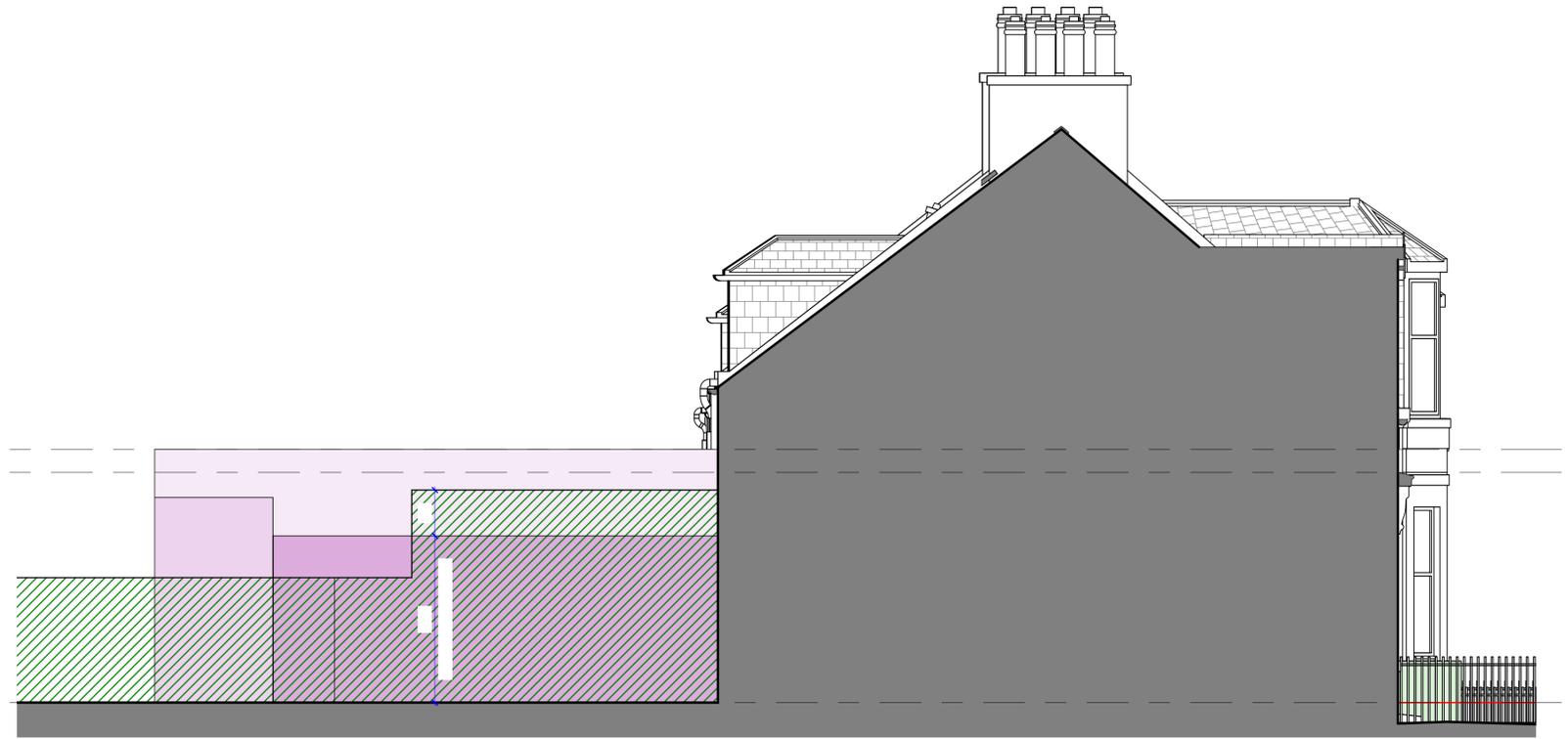
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Ground Floor Diagram



Section 1 Diagram



North Elevation Diagram

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A	Planning Submission	AS	25.06.24



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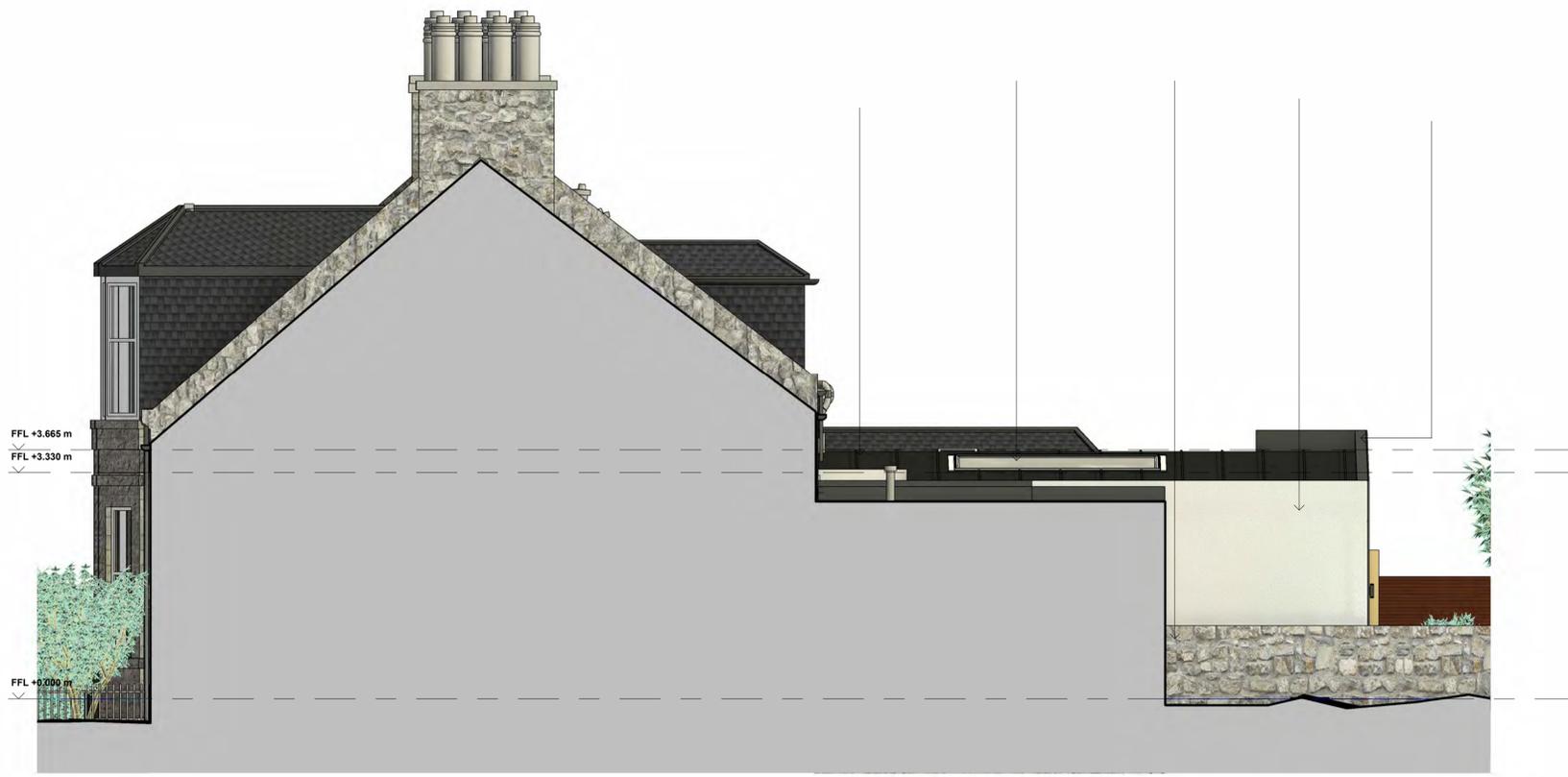
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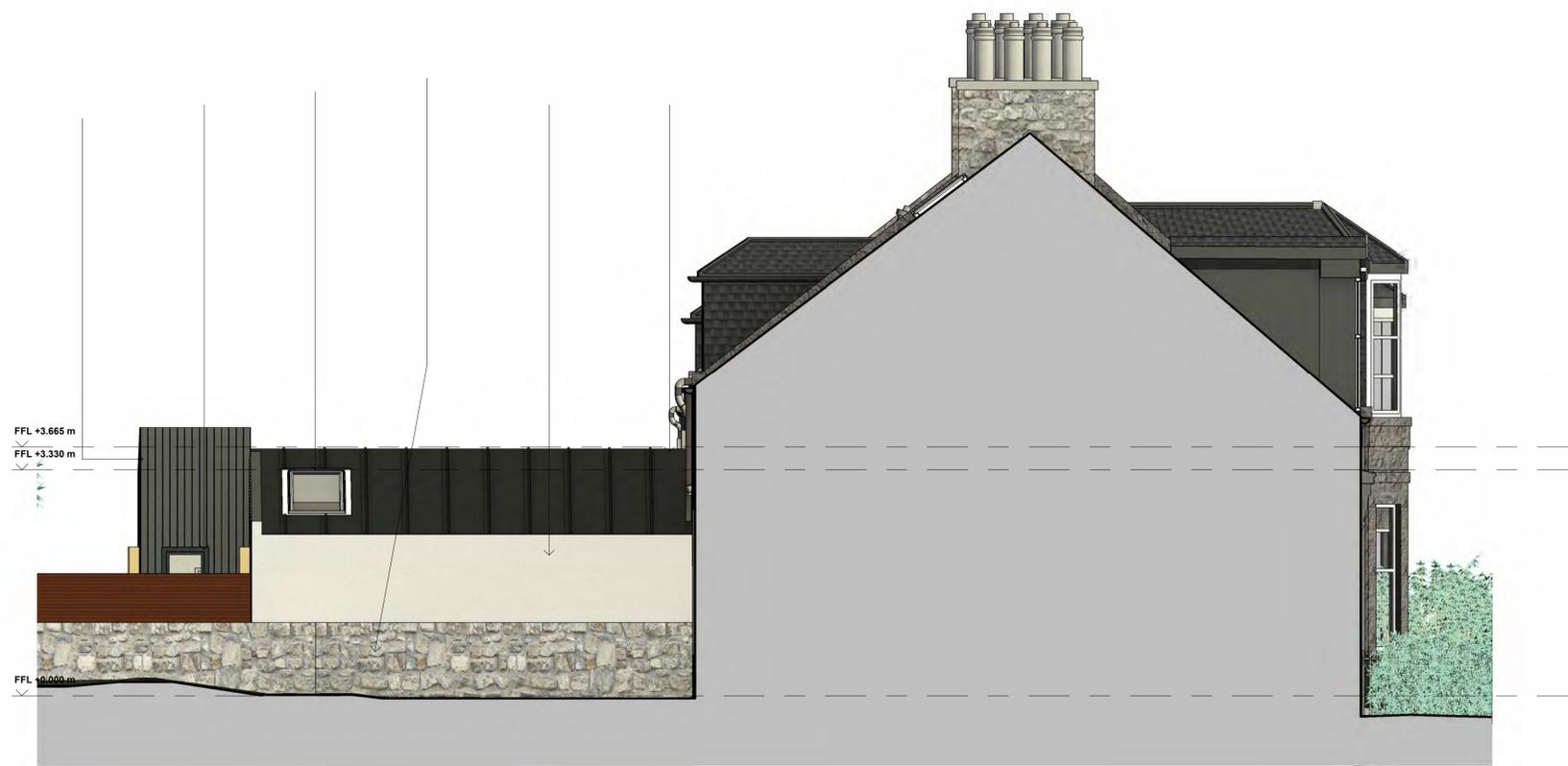
General Notes:



Proposed South Elevation



Proposed West Elevation



Proposed North Elevation



Proposed East Elevation

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24

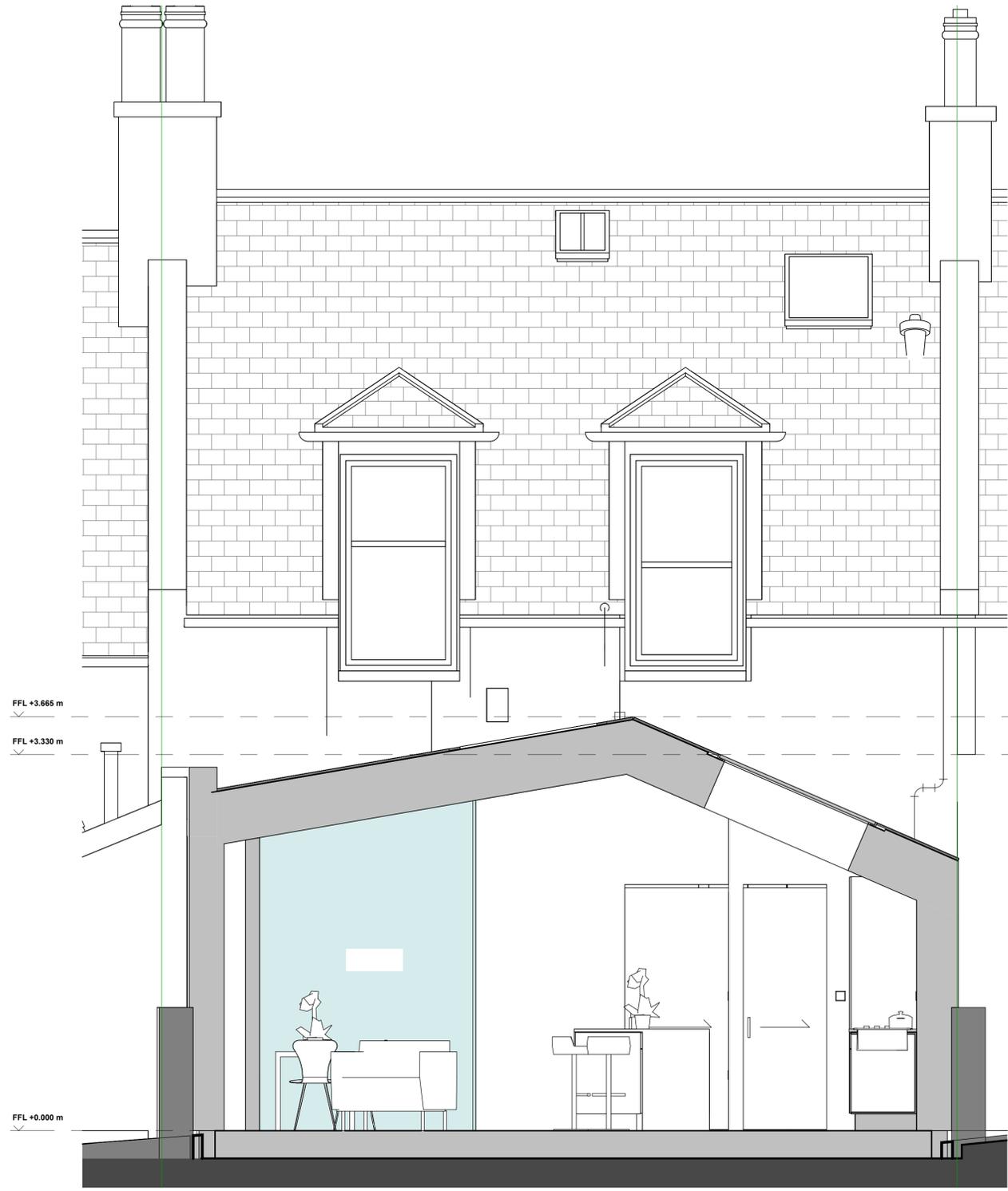


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Project: 81 Gray Street
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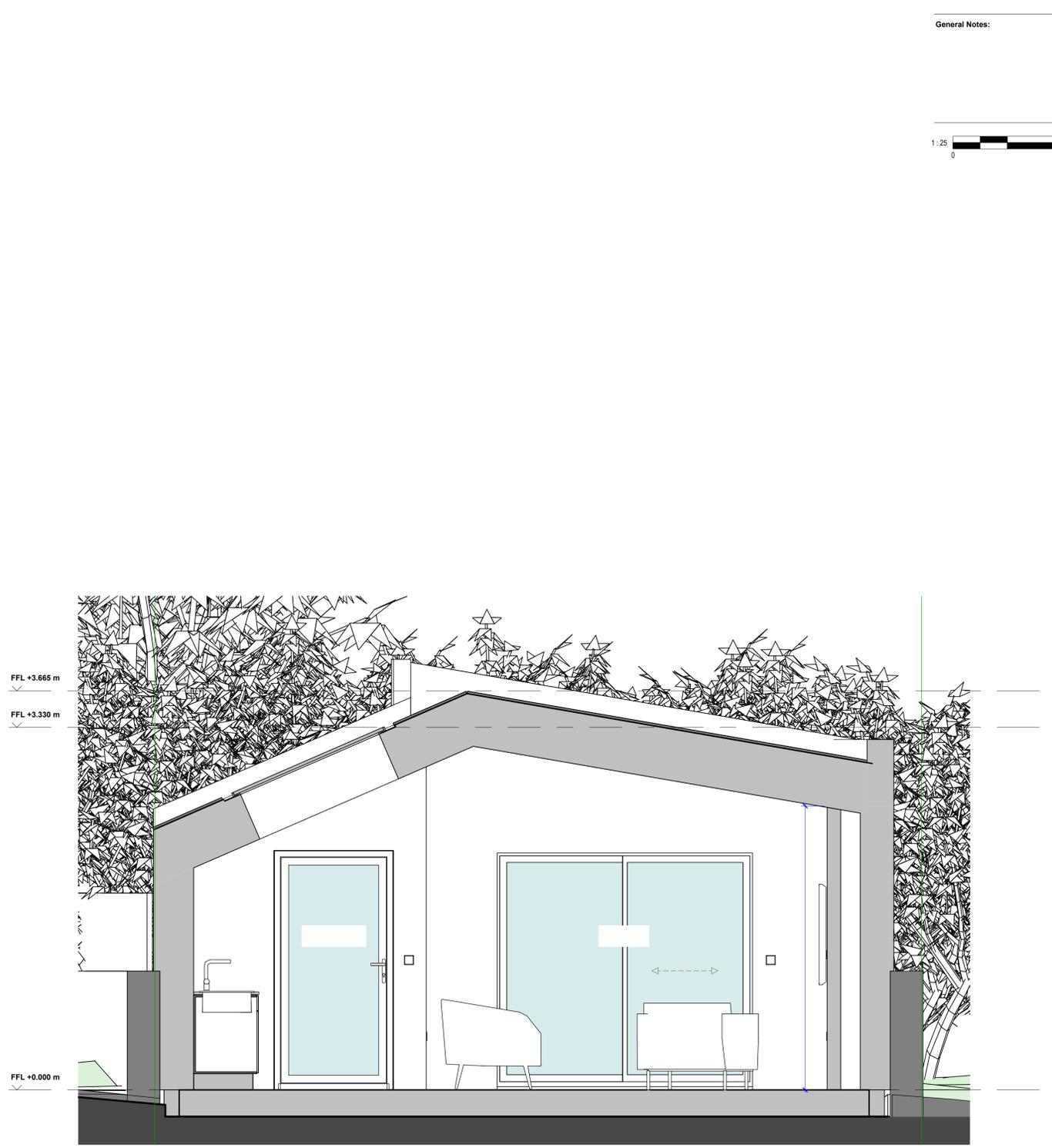
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Proposed Section 1



Proposed Section 2

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

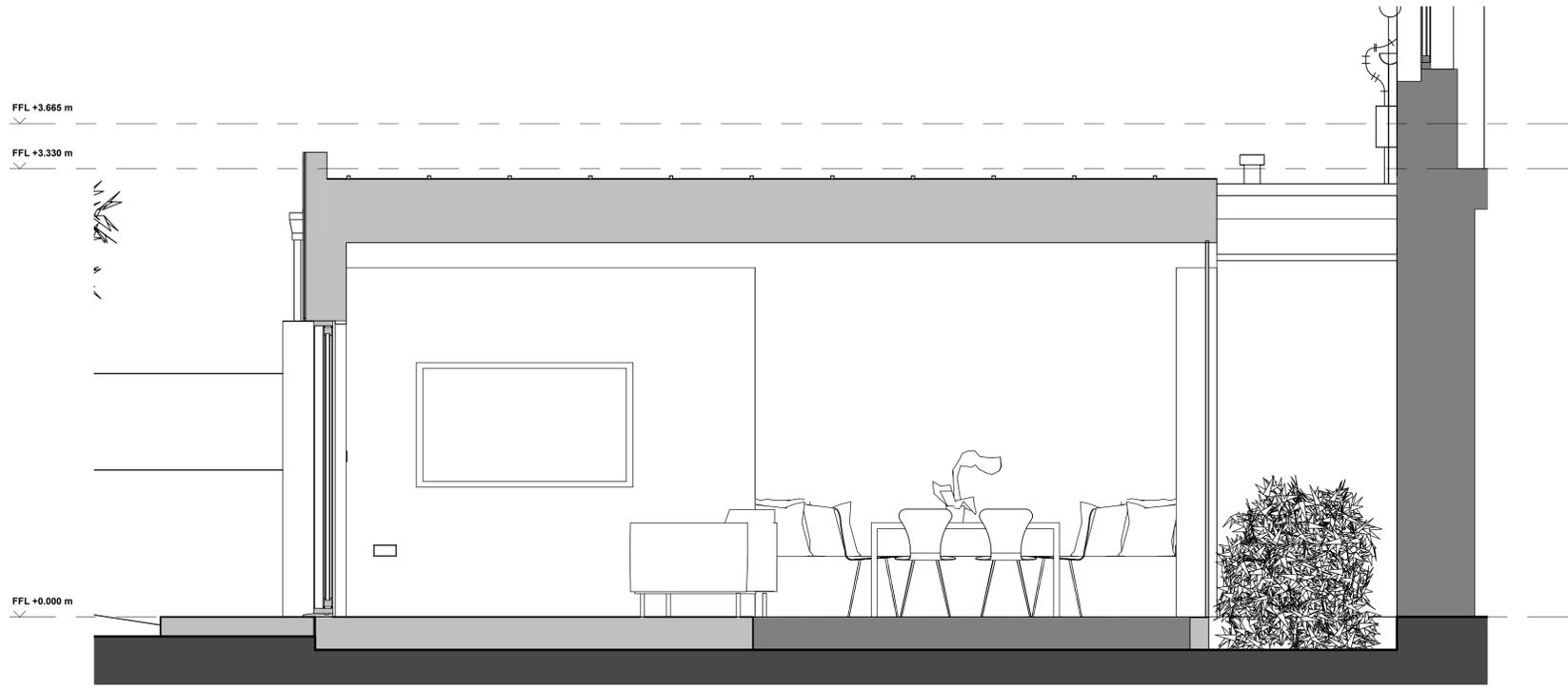
Title: Proposed Sections 1 & 2

Sheet No: 4285_PL_05_001 **Date:** 25.06.24

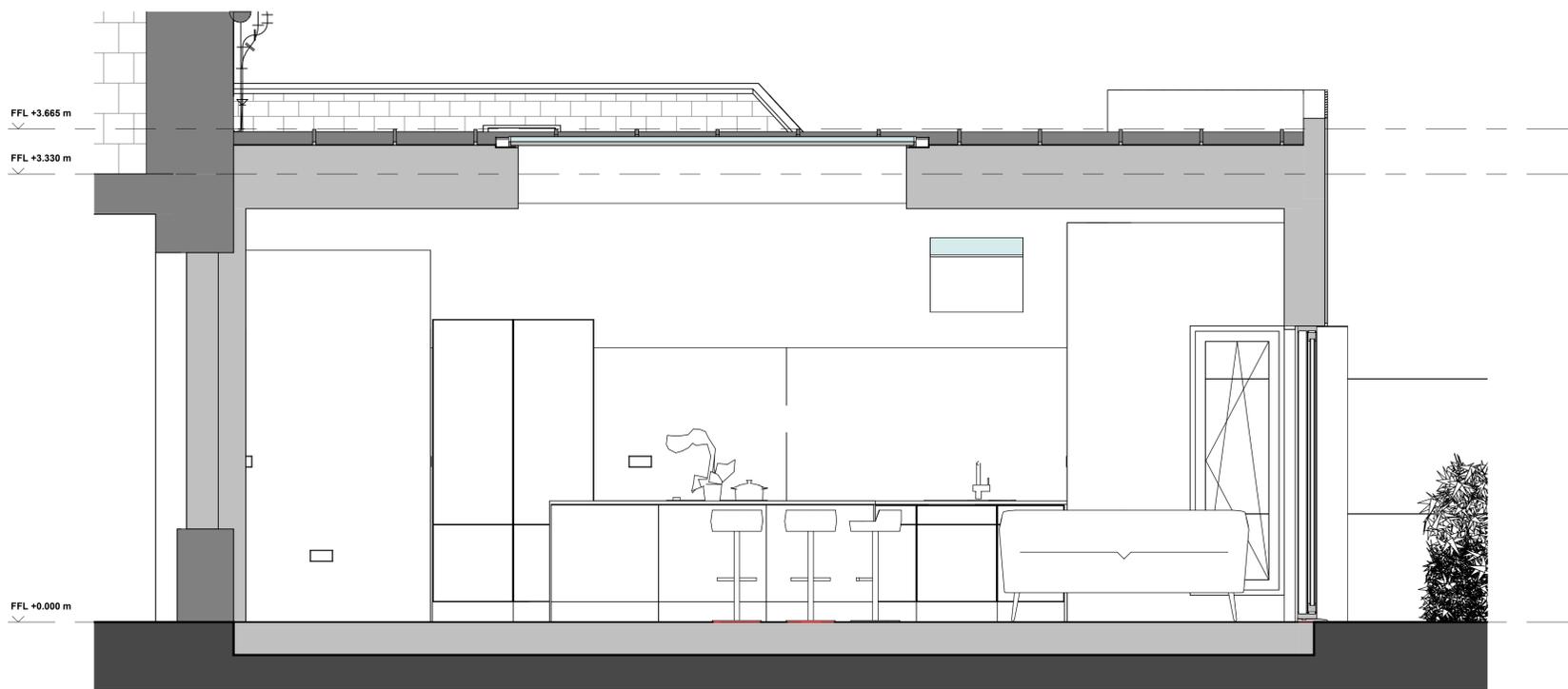
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 Aberdeen, AB22 8BB
 +44 (0) 1224 821 670
 M100 Delivery100 LIVE 10014205 - Livingstone - 81, Gray St.
 File Path: Aberdeen\Revit Model\4285_TIN_ZZ_XX_M01_8105_July24.rvt

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Proposed Section 3



Proposed Section 4

Rev	Description	By	Date
B	Parapet capping amended.	AS	19.07.24
A	Planning Submission	AS	25.06.24



Client: Mr & Mrs Livingstone
Project: 81 Gray Street
 Aberdeen, AB10 6JD

Title: Proposed Sections 3 & 4

Sheet No: 4285_PL_05_002 **Date:** 25.06.24

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Document 3 - Officers Report of Handling



Strategic Place Planning

Site Address:	
Application Description:	
Application Ref:	
Application Type:	
Application Date:	
Applicant:	
Ward:	
Community Council:	

DECISION

APPLICATION BACKGROUND

Site Description

Relevant Planning History

APPLICATION DESCRIPTION

Description of Proposal

Amendments

Supporting Documents



CONSULTATIONS

Ashley and Broomhill Community Council

REPRESENTATIONS

MATERIAL CONSIDERATIONS

Legislative Requirements

Development Plan

Aberdeen Planning Guidance

Other National Policy and Guidance

EVALUATION

Background

Principle of Development

Equality Considerations

DECISION

REASON FOR DECISION

Document 4 - Letter of Support

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

From: Michael Wilshaw [REDACTED]
Sent: Sunday, June 2, 2024 1:52 PM
To: AMurphy@aberdeencity.gov.uk
Cc: JKeohane@aberdeencity.gov.uk
Subject: 81 Gray St-Planning Approval.

Dear Aoife,

As owner of 79 Gray St, Aberdeen, I am in support of Planning Application 231519/DPP-proposing a single-storey extension to the rear of 81 Gray St, my neighbour.

As shown through various daylighting studies submitted as part of the application, the impact of this extension on my property is minimal, and the lower height of the boundary wall increases the amount of daylight reaching the rear of of my property.

I, therefore, view this proposal as an overall improvement to the area and have no concerns regarding the proposal.

Sir Michael Wilshaw (owner of 79 Gray St) Sent from my iPhone