

Ms Jane Forbes,  
Planning and Sustainable Development,  
Aberdeen City Council  
Ground Floor North  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Andrew H.R. Goldie,  
276 Union Grove,  
Aberdeen AB10 6TQ  
2nd October 2012

Tel.: [REDACTED]

**Applications 111673 & 121239: Erection of a Car-Port with Attic Storage.**

Dear Ms. Forbes,

Further to our recent telephone conversations I am writing on behalf of Queen's Cross & Harlaw Community Council in connection with the above planning application(s). Planning reference 111673 relates to a car-port with 'attic storage' space at 7 Harlaw Terrace, approved on delegated authority in December 2011; and planning reference 121239 seeks retrospective approval for what has actually been built, which deviates substantially from the approved design.

Following approaches from the owners of neighbouring properties a site survey has been undertaken. We have also been furnished with photographs and copies of correspondence between residents (in particular the owners of no. 5 Harlaw Terrace) and officials within the planning department; and following a full discussion of the main issues within the Community Council, our comments are as follows:-

1. The Community council had no objection in principle to the original proposal [111673] to build a new garage (or 'car-port') for this private residence, and lodged no objection to the original application. With hindsight however, and in common with the owners of neighbouring properties, it is clear that the impact of the original design was not fully appreciated at the time; and had the scale and visual impact of the build been properly understood, then it is certain that objection would have been raised by both the Community Council and local residents.
2. The structure that has been built is substantially different to the design as originally approved, hence the need for retrospective planning approval [121239]. It is considerably larger (and even more visually intrusive) than the original design; and with the addition of an external door at the upper 'attic storage' level,

together with external staircase and access balcony, there are clear issues of overlooking (particularly the rear and garden areas of no. 5), with consequent loss of privacy. Even without these obvious draw-backs, the view of the Community Council is that the scale of this development is inappropriate for this residential setting, and would have an adverse impact on the character of the area.

3. It is noted (with regret) that although planning officials were alerted at an early stage to deviations from the approved design, no attempt appears to have been made to arrest building work pending proper planning evaluation; and indeed, building work has continued apace.
4. It is evident from the correspondence that this building project has been cloaked in a certain degree of subterfuge from the outset. For example,
  - builders on site appear to have made inaccurate or misleading statements
  - building materials that were clearly not part of the approved design were delivered well in advance of use
  - the 'attic storage' (originally to be accessed by a loft ladder) has now been equipped by a specialist office design company.

The suspicion of the Community Council is that this project is a cynical attempt to exploit weaknesses in the Aberdeen City Council planning system by submitting a planning application for a particular design, and then building something else entirely; by presenting planning officials with a fait accompli, with the expectation that approved designs will not be enforced, and that retrospective planning application will be granted by default.

In summary, Queen's Cross and Harlaw Community Council have full sympathy for the concerns of local residents with regard to this application. In terms of scale and design, our collective view is that the original design is not appropriate to this residential setting; and we view the enlarged, unauthorised build as even more inappropriate. Our preferred remedy would be for planning officials to enforce a demolition of the structure; but failing that, we would insist on an enforcement order to compel the structure to be restored to the original, approved design.

The above is a fair reflection of the views of Queen's Cross and Harlaw Community Council, and we trust that you will give our comments due weight in the determination of this application. We are of the firm belief that this retrospective planning application should be rejected for the reasons outlined above. Should Committee Members feel in any way inclined to doubt our assessment however, then we recommend that a site visit be undertaken to resolve matters.

Should you require clarification on any of the above points, please do not hesitate to contact me.

Yours sincerely,

*Andrew Goldie*

Planning Convenor, Queen's Cross & Harlaw Community Council.

**From:** <webmaster@aberdeencity.gov.uk>  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 11/09/2012 22:09  
**Subject:** Planning Comment for 121239

Comment for Planning Application 121239

Name : Kevin Harper  
Address : 13 Royal Court  
Aberdeen

Telephone : [REDACTED]  
Email : [REDACTED]  
type :

Comment : It is not clear from the plan attached what the modifications to the existing approved carport are. Can this be detailed, or the previous revision be made available to allow a comparison?

Aberdeen City Council Planning Reception,  
Planning and Sustainable Development,  
Marischal College,  
Broad Street,  
Aberdeen,  
AB10 1AB

3, Harlaw Terrace,  
Aberdeen,  
AB15 4YU

  
15/9/12

Dear Ms./Sir,

Subject "Car Port" at 7 Harlaw Terrace

Application Number 121239

We wish to lodge an objection to the proposed alterations to the approved car port at 7, Harlaw Terrace, AB15 4YU.

We did not view the original plans for a car port as we assumed it would be something on the lines of 'A shelter for a car usually consisting of a roof built out from the side of a building and supported by posts' as defined in The Collins Dictionary'.

By no stretch of the imagination can this very large structure be described as anything like the above.

The wooden cladding and huge roof is totally out of keeping with the adjacent houses it is far more than a space for sheltering a car or caravan.

The attic roof space has obviously been constructed not just as a storage space but as some sort of office or living accommodation as the Vexel windows interior finish and proposed access suggests, which is not in the initial planning permission.

Can you explain why the builders are proceeding with the new alterations before they have been approved.

Regards,

Mr and Mrs A.F Knight  


F.A.O. Ms J Forbes,  
Aberdeen City Planning Department  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

121239	
RECEIVED 26 SEP 2012	
Dir. (North)	Dir. (South)
Case Officer Initials	JAF
Date Acknowledged	26/9/12

5 Harlaw Terrace  
Aberdeen  
AB15 4YU

26 SEP 2012	
24 <sup>th</sup> September, 2012	

Tel [REDACTED]

Dear Madam,

Subject : "Car Port" at 7 Harlaw Terrace, Ref 121239

Introduction

Below are my reasons why I strongly object to the plans for the "Car Port" at No. 7 Harlaw Terrace. It should be noted that most of the changes in the new plans which are now being put forward for approval have ALREADY been implemented by the builders even though those changes have NOT yet been approved. I informed the Planning Dept. that the builders were deviating substantially from the approved plan on 7<sup>th</sup> AUGUST, 2012 (i.e. 7 weeks ago) but nothing has been done to stop or even slow the building of a structure that does not have approval. Indeed the builders actually speeded up their activities when they were made aware that an objection to their actions was taking place. I would have strongly objected to the initial plans if I had known that they were a apparent "cover" for what was actually going to be implemented and we were being misled by the statement in the approval document dated 16/12/2011 that this "Car Port" would have "minimal visual impact". See attached photo which confirms that that is factually inaccurate and misleading.

Objections

This huge structure is totally out of character with its neighbouring residential buildings and I disagree with the planning approval document of 16/12/2011 which states that it has "no adverse impact on the residential character and amenity of the area and minimal impact on neighbouring properties". I understand other neighbours also agree this structure is totally out of character with the area and not what most people would recognise to be a car port. Indeed it is actually as tall as the surrounding houses and takes up almost ALL of the back garden area of No. 7. It towers over the square of houses which consists of Harlaw Terrace, Harlaw Road, Harlaw Place and Bayview Road South.

I object to the change from one supporting post at each corner of the "Car Port" to SEVEN posts which now have tripod strengthening features plus additional cross beams under the "storage area" floor. These changes show what is required to support the insulation, fittings and room structure that have already been implemented in the "storage area". Also unapproved additional lighting has been added in the "storage area" by adding another window.

I strongly object to putting a door in the gable end facing and looking down on No. 5 and other houses and gardens in the area. This will, and ALREADY has made an enormous impact on our privacy. See the photo of how the door looks down

directly on our conservatory where my wife and I spend a large part of most days. It is a large four season conservatory where we relax. It was suggested that people will not stare down on us from the doorway or stair being proposed for this "Car Port" but we can already confirm that the builders look down on us from that doorway making us feel uncomfortable even before the stairway is built. I question why a doorway is required there anyway as the initial plan proposed a hatch in the roof of the "Car Port" which is surely perfectly adequate to provide access to the "storage area". One can only conclude that the addition of a gable end doorway with stairs will lead to more frequent use of this "storage area" and greater impact on the privacy of No. 5 Harlaw Terrace. The addition of a stair will also impact on the clearance of 1.2 metres which we were informed would be given from the common wall and our garage and which formed part of the reason for approval in the planning document dated 16/12/11.

The initial approval document was misleading and stated that our garage at No. 5 Harlaw Terrace would hide part of the new structure. However it transpires our garage only hides approx. 1.3 metres of the "Car Port" as it is built on higher ground than the garage. This means that not only does the new structure have a much higher visual impact than I thought (see photo) but because they have already put in 6 large lights in the roof of the "Car Port" plus 1 at the front, plus (if they get approval) another above the stairs the surrounding area will be flooded with light at night. This will have a large impact around the whole of the housing square. Because of its high situation it will be seen from afar. I realise it is only hearsay but we understand from the builders that it is the intention to hold barbecues under this new structure.

#### Conclusion

I am particularly concerned not only of the changes and impact this "Car Port" will have on No. 5 Harlaw Terrace and surrounding area but also the way this planning process and approval has allowed the builders of the "Car Port" to essentially build what they want when they want. The architects even submitted **NONE APPROVED** plans on 18/8/2012 which went up on the Planning Department website even though the plans were **NOT** approved and did **NOT** even at that late stage show what had **ALREADY** been built. Following my complaint these **NONE** approved plans were removed from the Planning Dept website and the approved plans went back up again.

You may wish to be aware even now **SEVEN** weeks after the Planning Dept. was informed the builders were constructing a **NONE APPROVED** structure; the builders are **STILL** continuing to build it.

If these plans are approved it will substantially impact on the lives of myself and my wife and our neighbours.

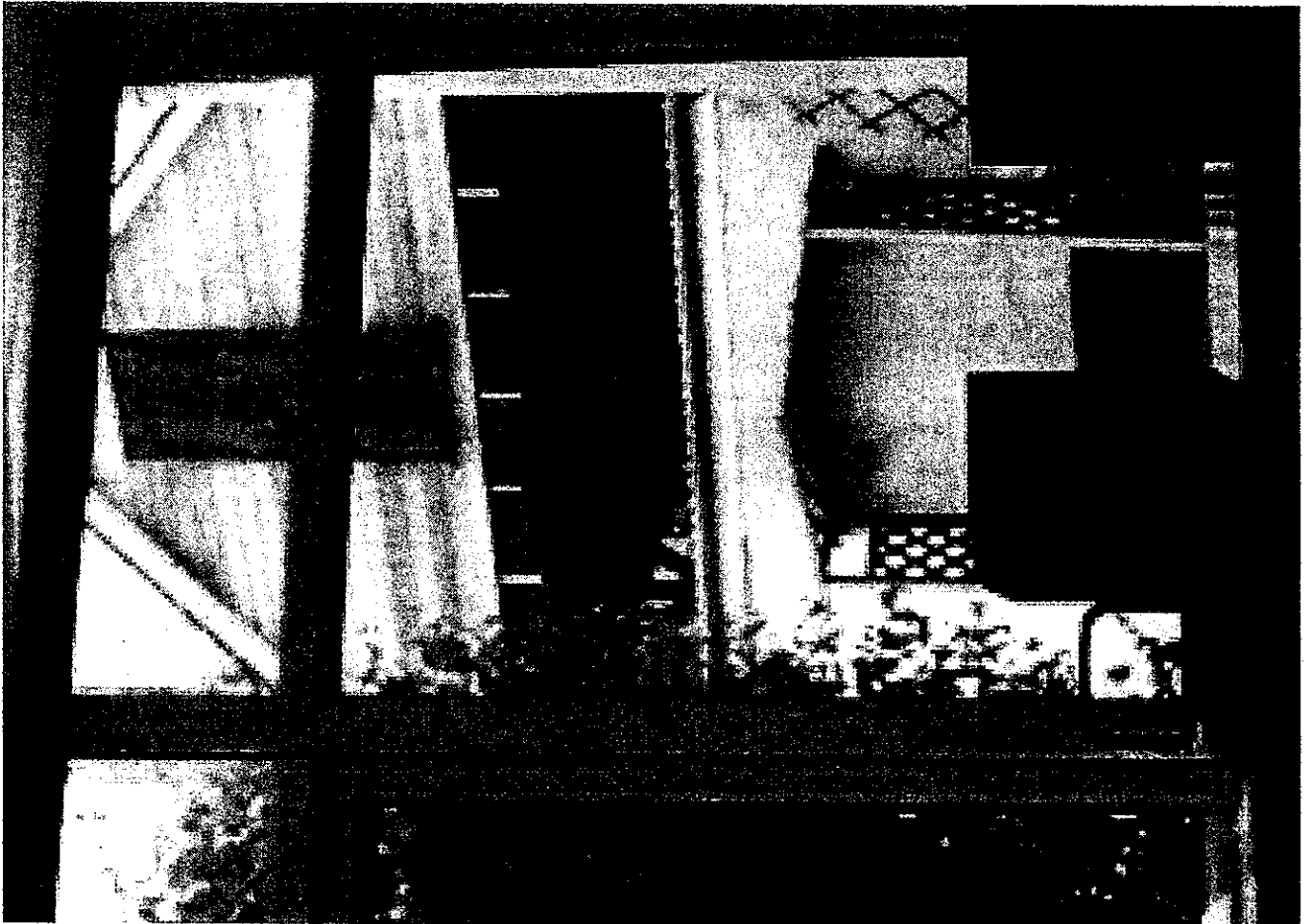
Regards

  
Mr Kenneth M Hutcheon

Note Attachments and the photo showing how the builders have blocked the pavements and part of the roadway forcing pedestrians to risk walking on the road.

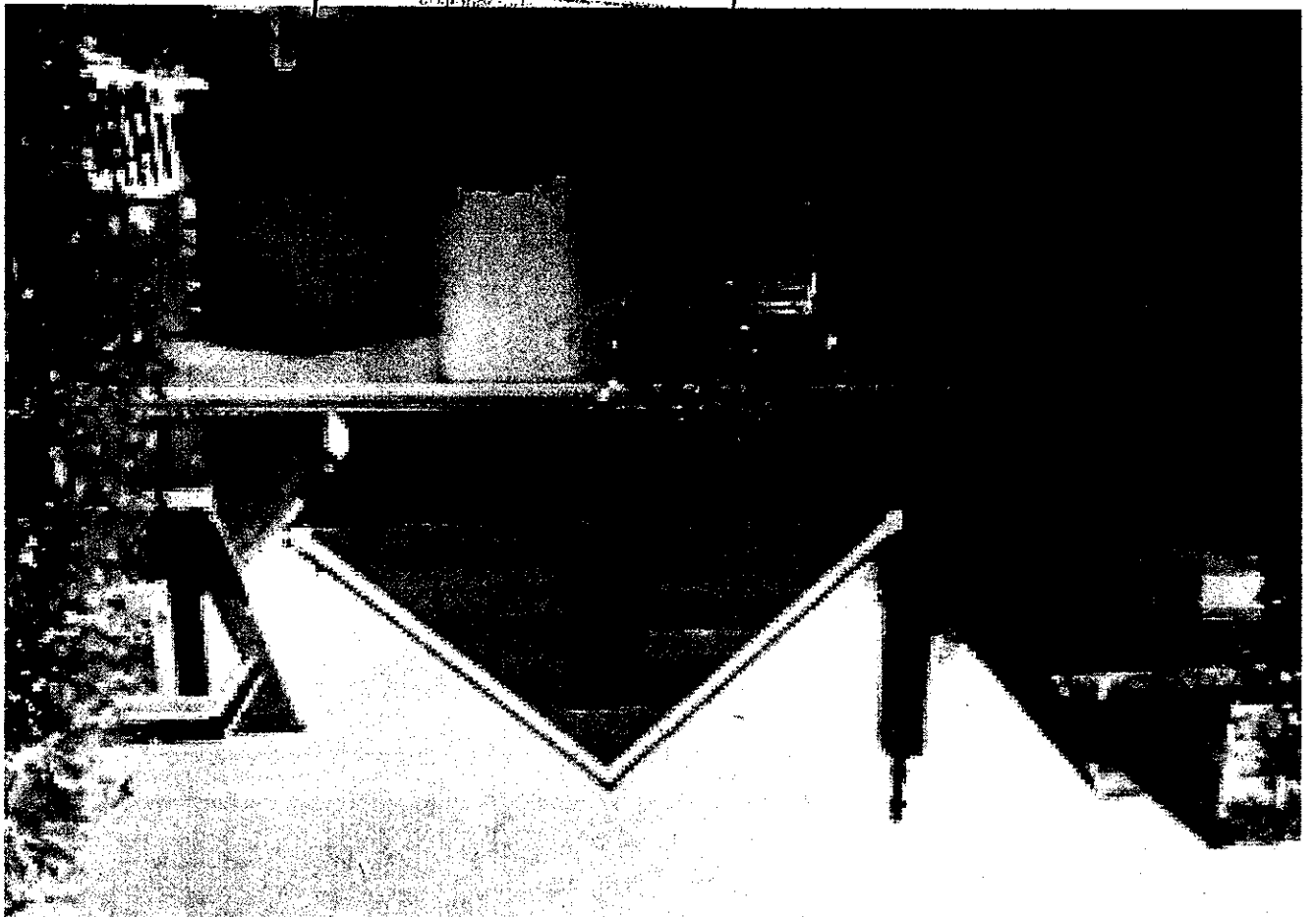


VIEW FROM MY CONSERVATORY





RECEIVED  
26 SEP 2012

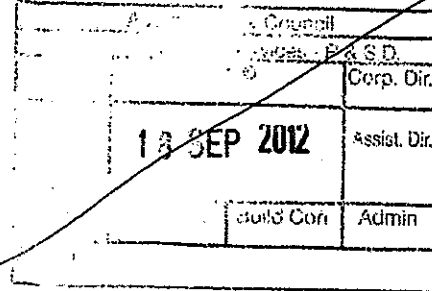




Michael Richardson, 77 Queens Road, Aberdeen, AB15 4ZR

14<sup>th</sup> September 2012

**Aberdeen City Council  
Planning & Sustainable Development  
Marischal College  
Broad Street  
Aberdeen AB10 1AB**



Attention: Chief Planning Officer

Dear Sir,

**Re: Unacceptable Implementation of Planning Procedure 7 Harlaw Terrace**

I am writing to you about a planning situation near my home which is causing quite a stir amongst local residents. One of the houses has been modified a number of times over very recent years such that is now quite out of proportion with the area and further construction is underway of another large structure which appears to be the last straw as far as the neighbours are concerned.

I will summarise some facts for you regarding 7 Harlaw Terrace:

About five years ago a driveway was constructed without obtaining permission and without complying with the regulations which resulted in gravel being continuously 'leaked' onto the pavement

About three years ago a large extension was constructed in place of the existing garage at the north end of the house. Though my property is directly opposite this I received no planning notification. I am not sure whether your planning office or the applicant was responsible for this omission.

Last year a further large extension was constructed, this time to the west of the building. I received no planning notification about this either. I understand that at this time your office was responsible for issuing neighbour notifications. I would have objected to this extension because:

- a. It has new windows which look directly in to ours
- b. The roof ridge height is significantly higher than it was in this part of the house and eliminates the view I had previously
- c. It would have been easy to construct with a lower roof line –but I was not consulted

This year a fourth piece of work has been carried out to construct a large pitched roof garage with no walls. This was termed a carport in the planning application. This is again directly in front of the windows in the room we use most. I did receive a neighbour notification for this construction but was busy and assumed that a carport would be fairly minor. However I was wrong. This is a significant building with a large room above it. It further obstructs my view and detracts from the character of the neighbourhood. I feel particularly sorry for the people who live immediately

**Michael Richardson, 77 Queens Road, Aberdeen, AB15 4ZR**

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adjacent to 7 Harlaw Terrace. The quality of life has been materially affected by the succession of extensions carried out.

I have now received a further neighbour notification regarding modification to the so-called 'carport'. There are a number of changes to the original plan which give cause for concern.

The 'attic store' above the carport had access from below via loft ladder –entirely consistent with the idea of an attic store. However the new proposal is to provide a full size permanent external staircase and door on the south side of the building. This would be a gross intrusion for the neighbours on that side but also clearly demonstrates that this is not an attic store but is in fact a further bedroom or living room for the house.

A further change proposed in the current application is that the number of windows has been increased. It would be acceptable to have a roof light in an attic store but four large (1200mm) roof windows are a strong indication that this is a living area or bedroom and certainly not a store.

Please note that work was halted on the carport when one of your planning officers was advised that the building was not in accordance with approved plans. Thank you for taking this action. It is disappointing to see that the builder, architect and owner have such little regard for planning regulations.

I must also point out that the previous application was misleading as it showed one small part of the house as being an extension. On the current application the size has been increased slightly but still ignores the earlier extension and the fact that the house must be twice its original size.

My concerns are summarised as follows:

- a. Extension 1 and 2 were constructed without providing the required neighbour notifications.
- b. The owner has never made any attempt to discuss issues with neighbours. ( I am told he is a tax exile in the Middle East and his wife lives alone in this (now) large house)
- c. Extension 2 put windows looking directly into my kitchen which I find unacceptable
- d. The various extensions and carport materially encroach on the privacy of the immediate neighbours
- e. The number and size of windows planned for the attic store is inappropriate for this type of room and suggest that other unapproved and inappropriate use is planned
- f. The external access stairs and door clearly demonstrate an intended level of access to this room consistent with a living room or bedroom rather than a store. It may alternatively be planned as an office and the large carport and room above will be used to run a business from. Whatever the intent, it is inappropriate and unacceptable.

I ask that you look in to this matter in its entirety rather than just the most recent planning modification. The occupants have

Michael Richardson, 77 Queens Road, Aberdeen, AB15 4ZR

- flaunted planning regulations repeatedly
- failed to consult with relevant neighbours
- carried out construction work which has a high impact on a number of neighbours
- constructed a carport which appears to be destined for other use
- submitted plans to your department which are inaccurate
- attempted to carry out unapproved work

I urge you to take affirm stand on this matter, reinforce the status of the planning regulations and have the carport removed.

I would be pleased to explain these issues to you in more detail either in your office or on site if required.

Yours sincerely,

A large black rectangular redaction box covering the signature area.

Michael Richardson

**From:** SUSAN DUNCAN [REDACTED]  
**To:** <pi@aberdeencity.gov.uk>  
**Date:** 15/09/2012 13:30  
**Subject:** Objection to Planning Application 121239  
**Attachments:** draft J objection-1.doc

Please find attached a letter of objection to planning application 121239  
Which i send on behalf of my mother Mrs Jean Nicholson.  
Please confirm receipt.  
Many thanks  
Susan Duncan

F.A.O. Ms J Forbes,  
Aberdeen City Planning Department  
Aberdeen City Council, Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

3 Harlaw Place  
Aberdeen  
AB154YW

13/9/12

Dear Ms Forbes,

**Subject : Planning ref: 121239 "Car Port" at 7 Harlaw Terrace**

With reference to the recent notification of changes to the "Car Port" at the above address I wish to strongly object to the changes. I also wish to strongly object to the "Car Port" at 7 Harlaw Terrace which has ALREADY been built and does not conform to the initial approved plan.

I would have objected to the initial plans if I had known that they were only an apparent "cover" for what was actually going to be implemented.

I wish object to the new plans on several grounds:

1. Both the view out of the proposed gable end doorway, and the view as persons ascend the stairs, will to a very significant degree overlook my garden and invade my privacy.  
There is likely to be frequent usage of the stairway since they have changed the plans from a hatch in the ceiling of the car port to access storage, to a large door with a substantial staircase. One can only assume this new format is necessary to support more frequent usage of the interior of the roof area which has already been built, and has been finished internally to the degree that a living space would be. This implies usage by people for purposes other than just a storage area.
2. The very large building is not compatible with the residential nature of the surrounding neighbourhood. It is completely out of character for the area being much higher than any of the other garage facilities in the area.
3. The structure has a considerable visual impact on the area.

4. The effect of six large lights (probably seven if they are allowed to create a stairway) high above my garden and garden room will flood not only my area but that of the neighbourhood. One needs to take into account the "Car Port's" high position and lack of any screening round the car port to shade some of the light.
  
5. It is not clear to me from the plans, what the stairway structure is to be built from, but were it to be metal treads, the noise will carry across all of the gardens.

Yours sincerely,

Mrs J Nicolson

City Development Services Letters of Representation	
Application Number:	121239
RECEIVED	17 SEP 2012
Dev. (North)	
Cases Officer Initials:	JAE
Date Acknowledged:	18/09/12

- Mapps

F.A.O. Ms J Forbes,  
Aberdeen City Planning Department  
Aberdeen City Council  
Business Hub 4  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

5 Harlaw Terrace  
Aberdeen  
AB15 4YU

Tel [REDACTED]

24<sup>th</sup> September, 2012

Dear Madam,

Subject : "Car Port" at 7 Harlaw Terrace Ref 121239

I strongly object to the plans above. My reasons are given below.

Firstly this "Car Port" building is so very large and poorly designed with wooden cladding that it has an adverse affect on the residential character and amenity of the area despite what the approval document of 16/12/2012 states. It is totally out of place.

Secondly this building already has a significant impact on my privacy and ability to carry out my main pleasure of gardening in my own back garden without people staring down at me. This is because an UNAPPROVED doorway has already been built which allows builders look down on our garden and conservatory. This will be even worse if stairs to this door are built as are proposed in the new plans. I will no longer be able to sit and relax in the privacy of my own garden or conservatory which I have frequently done over the last 15 years. I will lose an enjoyable part of my leisure time just for the purpose of people gaining access to this "storage area" by a large doorway and stairs when the initial plan to have a hatch in the roof of the "Car Port" is perfectly adequate for storing items in the roof space.

Thirdly the lighting from this "Car Port" will illuminate the neighbouring area when we were led to believe from the initial planning approval document our garage would hide much of the "Car Port" building area. This is incorrect as there is a large space of almost 2 metres above the garage that gives ample clearance for light to pervade not only to closeby neighbours but also the surrounding wider area.

I also strongly object to the fact that the builders are continuing to build despite the fact that there are NO approved plans that accord to what they are doing.

Regards,

[REDACTED]

Mrs Kathleen M Hutcheon

Aberdeen City Council			
City Environmental Services			
Ask	Meet	Copy To	
1/1			
Recd			Recd. Of.
1/1			
1/1			
		Build. Off.	Admin

28 SEP 2012