

Dineke Brasier

From: Robb, Jack [REDACTED]
Sent: 29 January 2015 09:04
To: Dineke Brasier
Subject: FW: 141815: 169 Queens Road

Dear Sir,

It was recently brought to my attention that the owner of the property located at 169 Queens Road has applied for planning permission to access a property that was built in the grounds of 169 Queens Road through the garage court of Viewfield Mews.

I currently own 2 properties (4D & 6C) in Viewfield Mews and I strongly object to this application on the following grounds.

1. The proposed new access will increase traffic through the garage court and potentially endanger residents.
2. The access road from Viewfield Road into the garage court was originally built for the residents and owners of Viewfield Mews.
3. The boundary walls around Viewfield Mews are also there for a reason, the fact that the owner of 169 Queens Road removed a section of the wall and installed a gate is also extremely disappointing as we were not provided with an opportunity to object, is this even legal?

I trust you will take my objection into consideration before you agree to the planning permission.

Thanks & Regards,

John Robb
Owner of 4D & 6C Viewfield Mews
Viewfield Road
Aberdeen

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PI

From: Graham Vincent [REDACTED]
Sent: 19 January 2015 17:55
To: PI
Subject: Planning Application - Ref 141815

Dear Sir / madam,

I wish to comment on the proposed planning application, referenced above.

From the notice form received it can be noted the date is the 24th December 2014, this poses an inherent problem in that people often go away for the holiday season, this automatically reduces the period to approximately 11 days, add to this people who work away from home the notice period is basically non-existent.

Unfortunately the proposed plans are not available online anymore so it is impossible to judge any impact it may have on my property.

I believe a previous application was submitted to turn this outbuilding into accommodation but was turned down. In fact the property looks very like a house and not an outbuilding.

Where will the people enter this property, they already have an unauthorised gate to out garge and parking area. This house needs to have access via Queens Road and not through the garage and parking area for the flats on Viewfield Road, who own this area.

The house on Queens Road is already being used as a car trading property.

This application should be turned down and the unauthorised access to the outbuilding be revoked as an unlawfull development.

Should I be a cynical person I would think that this planning application was deliberately submitted at that time of the year to deny the owners of the neighbouring properties sufficient time to access this application.

Regards,

Graham Vincent

PI

From: Dineke Brasier
Sent: 18 January 2015 21:05
To: PI
Subject: FW: Application 141815

Hi,

Here is another rep for the above application.

Many thanks,
Dineke

From: Colin Fayle [REDACTED]
Sent: 18 January 2015 10:45
To: Dineke Brasier
Subject: Application 141815

Following our conversation last week I am disappointed to find this application is closed for comments. We were advised that the application response date was to be extended 14 days due to the late receipt of the Application by residents of Viewfield Mews.

I object to this application on the following grounds:-

- 1 The work has already been completed
- 2 Access to the property is via Viewfield Mews, Viewfield Road through a boundary wall which has been removed and a rolling gate installed.
- 3 Commercial Vehicles regularly access the property in the planning application via Viewfield Mews blocking access to the garages and endangering residents as commercial vehicles arrive and leave.

I am very disappointed that the application is being considered as there has been a dwelling house in place for a number of years. Additionally, a garage in Viewfield Mews has been acquired by the owners of the application property against the missives of Viewfield Mews. It is my opinion that this garage also provides access to the property in the application.

I object strongly to this application 141815.

Please confirm that this objection is being included in the application review.

Regards

Colin Fayle
Owner 6b Viewfield Mews
Viewfield Road
Aberdeen
AB15 7XE

PS we were advised that our objection was to be passed onto you as per our conversation with one of your colleagues last week.

8, Kepplestone Ave,
Aberdeen.

AB15 7XF.

14th Jan.

Having viewed the plan of the proposed development at 169 Queens Rd No 141815, I am obliged to submit some concern.

I live right behind the proposed development at the above address and I am extremely concerned that no windows would overlook my back garden. The original building is built no more than a metre away from my back garden wall.

I did view the proposed development plans and a kitchen window in the designated position would definitely be an invasion of my privacy.

An application to the council to include a kitchen window on the original application about ten years ago was refused, and since my circumstances have not changed, I assume that the refusal will stand.

I received notice of the development only last Thursday 15th so I hope you will still consider my request.

Yours truly



P&S Council's Representation		
Application Number: 171815		
RECEIVED 16 JAN 2015		
For	Sol <input checked="" type="checkbox"/>	Map
Case Officer Initial:	DIB	
Date Acknowledged:	19/01/2015	

PI

From: Inkster, Karen [REDACTED]
Sent: 16 January 2015 12:43
To: PI
Cc: Garfield Prentice; Dineke Brasier; Moar, Trevor
Subject: Written Objection to Planning Application Ref: 141815 (Land Adjacent to 169 Queens Road, Aberdeen)
Attachments: Objection to Application Ref 141815, 169 Queens Road.pdf
Importance: High

Dear sir/madam,

Objection to Planning Application Ref: 141815

With reference to previous communication (below), please find attached our written objection to the above-referenced Planning Application.

Please acknowledge receipt of our comments and confirm that these will be considered in reviewing this application.

Since we are currently overseas, we would appreciate if you would direct all future communication to us via e-mail in the first instance.

Thanks in advance,
Karen Inkster & Trevor Moar
Tel: [REDACTED]
[REDACTED]

From: Garfield Prentice [mailto:GPrentice@aberdeencity.gov.uk]
Sent: Donnerstag, 15. Jänner 2015 10:32
To: Inkster, Karen
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

This is an issue that has arisen on a few occasions previously, where additional time beyond the statutory neighbour notification period is allowed for submitting written representations. Unfortunately, the Council's website cannot be updated to reflect that additional time. Whilst comments cannot be made directly through the website, correspondence can be sent to the generic mailbox for this Service – pi@aberdeencity.gov.uk – quoting the planning application reference number and address. Such correspondence will then be forwarded to the case officer and will be taken into account in the assessment and determination of the planning application.

regards

Garfield Prentice
Team Leader (Development Management South)
Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street

Aberdeen
AB10 1AB

Tel. (01224) 522198

From: Inkster, Karen [REDACTED]
Sent: 15 January 2015 07:03
To: Garfield Prentice; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)
Importance: High

Dear Mr Prentice,

The Planning webpage for this development currently states "Comments can no longer be made"

Can you please rectify this statement on your website such that our comments can be uploaded by the 20th January deadline?

I would appreciate your confirmation when this has been done.

Thanks in advance,
Karen Inkster

From: Inkster, Karen
Sent: Dienstag, 13. Jänner 2015 07:36
To: 'Garfield Prentice'; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

Many thanks for your reply, Garfield. I have now found the application details online and confirm I will submit a written representation within the deadline of Tuesday 20th January.

Regards,
Karen Inkster.

From: Garfield Prentice [<mailto:GPrentice@aberdeencity.gov.uk>]
Sent: Montag, 12. Jänner 2015 17:25
To: Inkster, Karen; Dineke Brasier
Cc: Moar, Trevor
Subject: RE: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)

Good afternoon Karen

The drawings associated with a planning application normally appear on the Council's website. However, for some unknown reason that has not occurred on this occasion. That is currently being rectified and thus the drawings should be available either later today or tomorrow. They can be found using the Planning Application Search facility, entering the planning application reference number (141815) or the address of the property.

Although the neighbour notifications were issued on 24th December 2014, allowing a 21 day period for lodging written representations (thus expiring tomorrow), that period will now be extended for another week to provide more time to lodge representations. The deadline will now be Tuesday 20th January 2015.

Regards

Garfield Prentice
Team Leader (Development Management South)
Planning and Sustainable Development
Communities, Housing and Infrastructure
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

Tel. (01224) 522198

From: Inkster, Karen [REDACTED]
Sent: 12 January 2015 15:46
To: Dineke Brasier; Garfield Prentice
Cc: Moar, Trevor
Subject: Urgent: Representation Deadline Expiring but Application Detail Not Available Online (Ref: 14185)
Importance: High

Good afternoon Dineke, Garfield,

Detail for Application Ref: 14185 Urgently Required – 21 Day Comments/Objection Deadline About to Expire

I've tried calling you both this afternoon with an urgent query regarding the above application but didn't reach you. I, together with Trevor Moar (copied on this mail), am the joint owner of the neighbouring property at 4c Viewfield Mews. We are currently working overseas and only received a copy of the Neighbour Notification Notice today, 12th January.

We urgently require details of the application in order to make our representation, however I was informed by the department responsible for scanning applications that there is currently a 4 week backlog in publishing applications online. We have some specific concerns regarding the proposed development and therefore wish to have the opportunity to comment.

Can you please either respond to this mail with a scanned copy of the application or call me today on telephone number +43 664 856 7079 to discuss?

Thanks in advance,
Karen Inkster & Trevor Moar

Mobile: [REDACTED]
Email: [REDACTED]

Karen Inkster & Trevor Moar
4c Viewfield Mews
Viewfield Road
Aberdeen
AB15 7XE
(Nb. E-mail Addresses Supplied for
communication purposes)

Planning and Sustainable Development
Aberdeen City Council
Business Hub 4
Marischal College
Broad Street
Aberdeen
AB10 1AB
pi@aberdeencity.gov.uk

By e-mail, 16 January 2015

Dear sir/madam,

Objection to application for planning permission for a single dwellinghouse at 169
Queens Road
Reference: 141815

We, as joint owners of neighbouring property, 4c Viewfield Mews, hereby state our objection to the above referenced Application for Planning Permission for a proposed development at the south end of the Applicant's larger plot at 169 Queens Road (hereafter, "the Application") on the following grounds:

1. **The Application is at odds with the Aberdeen Local Development Plan, Supplementary Guidance for The Subdivision of Residential Curtilages 2012 on numerous grounds, including, but not limited to:**
 - a. "Residential development should have a public face to the street" (3.6)
 - b. "...the use of rear lanes for shared pedestrian or vehicular access to dwellings in rear gardens is not considered acceptable in that it results in the creation of a pedestrian safety hazard" (5.3)
 - c. "In suburban areas characterised by a formal or semi-formal building line fronting onto a public road and having back gardens which provide private amenity space there will be a general presumption against the construction of new dwellings in rear garden ground behind existing or proposed dwellings in circumstances where the new dwellings do not front onto a public road (5.3)
 - d. "In every case there should be a safe and convenient pedestrian and vehicular access from the dwelling to the public road and pavement, **avoiding contrived solutions**...It will not normally be acceptable for pedestrian access to be shared with vehicles" (7.1)

2. **The Applicant does not have a legal right of access to the proposed development as it is described in the Application.** The Applicant's proposed access is via a privately owned (dead-end) mews development under common ownership of the proprietors of 4-6 Viewfield Mews, with no through access. We expressly state that we, having a common interest in this area of ground, do not consent to such access nor to the Applicant making adjustments to the kerb as proposed.

Further, the Applicant's photo submission shows that a fixed boundary fence between the proposed development and the private mews/garage area of 4-6 Viewfield Mews has been removed without permission and replaced with an opening gate. We do not consent to this change to our fixed boundary and assert that this unauthorised access gate must be removed immediately and the fixed boundary fence reinstated. Please see annotated photo in Attachment 1 for further details.

3. Even if it were legally valid, the proposed access route and parking provision would be inadequate on several additional grounds, including:
- a. It would create an unacceptable level of through traffic (both pedestrian and vehicular) over a small, enclosed, area designed solely as access and manoeuvring space for 8 privately-owned garages.
 - b. There is no footpath providing pedestrian access to the development site, neither is there any possibility nor authorisation to create one.
 - c. The proposed access route constitutes the type of "contrived solution," which the Aberdeen Local Development Plan seeks to avoid (refer to point 1.d. above).
 - d. The Applicant's proposed parking provision is at odds with the guidelines in the Aberdeen Local Development Plan, Supplementary Guidance for Transport and Accessibility 2012 and Planning Policy T2, Managing the Transport Impact of Development. Please refer also a planning application for an adjacent property which was refused on these grounds (reference 140283).
 - e. The absence of any dedicated visitor parking for the proposed development would create a hazardous situation whereby visitors arriving at the proposed development (especially larger vehicles such as delivery/service vehicles) are likely to have to reverse out of Viewfield Mews, creating a hazard for both pedestrians and other vehicles in an often congested area.
 - f. Parking in the vicinity of Viewfield Road generally is already extremely challenging, as has been widely reported recently in local media (e.g. see article, *New parking restrictions on cards after row at Hill of Rubislaw*, Press & Journal, 6 October 2014) and residents of 4-6 Viewfield Mews face a daily challenge of unauthorised parking in its 2 private visitor spaces and lack of available street parking. The introduction of an additional property with no provision for visitor parking in an already congested area would be unacceptable. It is worthy of note that the Applicant has himself objected to proposed developments in the immediate vicinity on the grounds of parking obstructions and traffic safety concerns and makes specific reference to parking problems on Viewfield Road (see P.270 of the Agenda Reports Pack for the Planning Development Management Committee Meeting, 17th February 2011, available via this link: <http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=348&MId=1937&Ver=4>).
4. The existing, established access to the proposed development site via Queens Road should be retained. The Applicant already owns the larger plot at 169 Queens Road, of which the proposed development constitutes the southern portion. The description of the proposed development site as "land adjacent to 169 Queens Road" suggests a somewhat arbitrary boundary since the entire area is under the Applicant's ownership. Please see Attachment 2, point (D) for further details. The Applicant's proposal of "blocking up" the existing access via Queens Road appears to be an attempt to remove the inconvenience of access over his own property by creating an inconvenience for owners of neighbouring properties. In this regard it is

worthy of note that the Applicant's objections to proposed planning developments in the immediate vicinity (referenced in point 3 above) include, "we do not want noise and comings and goings through the night at our front door".

5. The boundary of the proposed development appears to be incorrectly described in the Application on the grounds that the garage shown as being within "line of boundary" is actually part of the neighbouring Viewfield Mews development (allocated to flat 6b Viewfield Mews). The conditions of title for the 8 flats at Viewfield Mews stipulate that the accompanying garages may not be sold/disposed of separately from the flats to which they are allocated. It is our understanding that this condition constitutes an enforceable burden under the Title Conditions (Scotland) Act 2003, therefore we cannot see how this garage can be legitimately described as within the boundary of the proposed development at 169 Queens Road. Please see Attachment 2, points (B) & (C) for further details.
6. In conclusion, we consider it a valid observation that the Applicant appears to have taken a series of steps in a bid to secure alternative access to the proposed development site without sufficient regard to applicable laws/regulations or the rights of neighbouring proprietors. These steps should not be considered legitimate in the context of awarding planning permission with the access as it is described in the Application.

Supplementary clarification/background information relevant to these grounds of objection is provided in Attachments 1 & 2 and includes a description of the ownership of 4-6 Viewfield Mews and a title plan with legal boundaries (including all 8 garages) clearly marked.

On the grounds detailed above, we request that Application Ref: 141815 be refused.

Further we ask you to confirm what further steps, if any, we must take to ensure reinstatement of the original boundary fence between 4-6 Viewfield Mews and 169 Queens Road, which has been removed without permission.

If you wish to get in touch, please direct any future communication to us by e-mail in the first instance. Our e-mail addresses are provided below, however please ensure these e-mail addresses are not published on any elements of our submission made available for public viewing.

[REDACTED]

Yours faithfully,

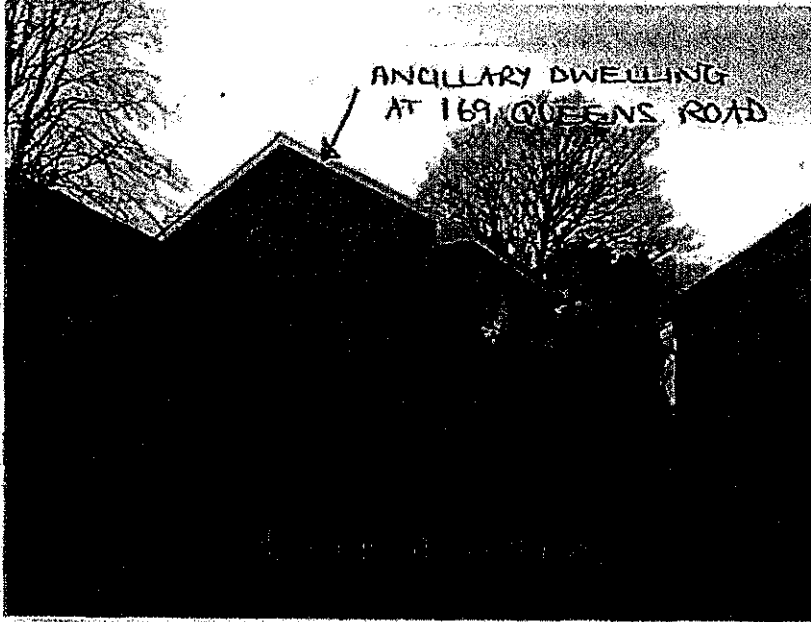
[REDACTED] [REDACTED]

Karen Inkster & Trevor Moar

Attachment 1 -

ATTACHMENT 1 - ANNOTATIONS TO APPLICANT'S LOCATION PHOTOS
(KAREN INKSTER & TREVOR MOAR)
46 VIEWFIELD MEWS

141815: Land adjacent to 169 Queens Road, Aberdeen



THIS PHOTO SHOWS THAT THE FIXED BOUNDARY FENCE BETWEEN 46 VIEWFIELD MEWS AND 169 QUEENS ROAD HAS BEEN REMOVED AND REPLACED WITH AN OPENING GATE.

Entrance ~~to~~ garage court



THIS HAS BEEN DONE WITHOUT AUTHORIZATION ORIGINAL, FIXED BOUNDARY MUST BE REINSTATED.

Entrance ~~to~~ garage court

INCORRECT DESCRIPTION. PHOTOS ACTUALLY SHOW THE VIEW OVER A PRIVATE, ENCLOSED PARKING / GARAGE AREA AT 46 VIEWFIELD MEWS, LOOKING TOWARDS THE PROPOSED DEVELOPMENT AT 169 QUEENS ROAD.

Attachment 2 – Supplementary Information

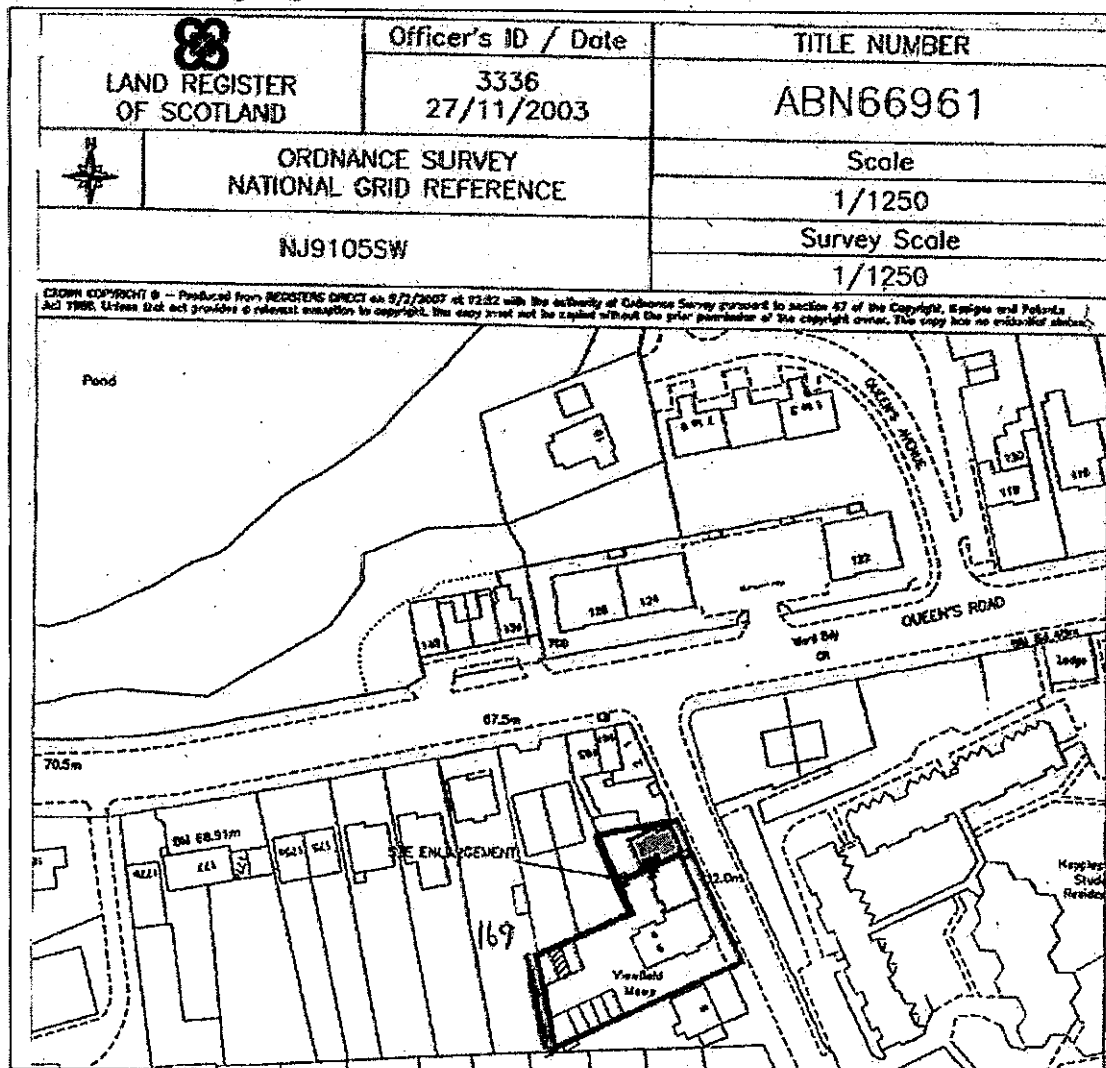
(A) Further Information on Ownership of Private Ground at 4-6 Viewfield Mews

4-6 Viewfield Mews, is a small, 2-storey development of 8 privately-owned flats with a frontage on Viewfield Road. The garage area at the rear of 4-6 Viewfield Mews, is a private, fully enclosed mews area with 8 garages – 1 belonging to each flat at 4-6 Viewfield Mews – plus 2 visitor parking spaces. The legal boundaries of 4-6 Viewfield Views are shown in red on the Title Plan provided below.

It is this privately owned mews area through which the Applicant proposes to have access to the south end of his larger plot at 169 Queens Road. We, as owners of 4c Viewfield Mews have a common right in this proposed access area and we state unequivocally that we have not granted, nor do we intend to grant such access.

Due to a period of time spent overseas on a work project, we were unaware of the unauthorised changes made to the boundary fence between 4-6 Viewfield Mews and 169 Queens Road. For clarity, this boundary fence runs along the western boundary of 4-6 Viewfield Mews, along the line highlighted green on the plan below.

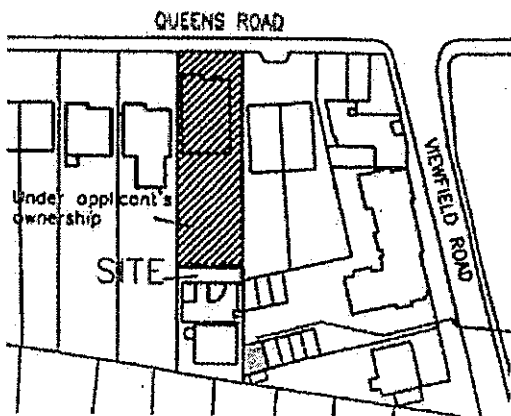
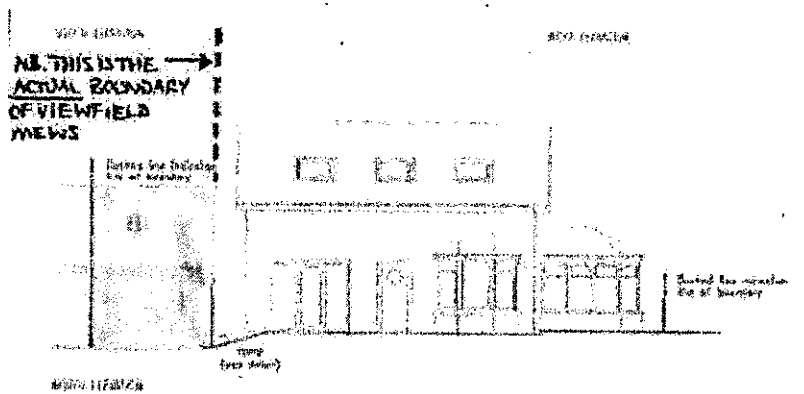
(B) Title Plan Showing Legal Boundaries of 4-6 Viewfield Mews



(C) Title Condition Prohibiting Separation of Garages from Flats at 4-6 Viewfield Mews

The text below is the Title Condition applicable to flats at 4-6 Viewfield Mews, as publicly registered in the Land Register of Scotland. This constitutes a real burden, enforceable under the Title Conditions (Scotland) Act 2003. On this basis we do not consider there to be any valid basis for the Applicant to include the garage from within the south west corner of the Viewfield Mews boundary (allocated to flat 6b Viewfield Mews) as being within "line of boundary" of the proposed development. For clarity, we have highlighted this garage in orange on the drawings below.

without implying any duty on such authority so to do. (ELEVENTH) Each flat within the said subjects shall have allocated to it an exclusive garage which shall be used as aforesaid exclusively for the benefit of the proprietor or other occupiers of the flat and for no other purpose whatsoever and it is expressly provided and declared that it shall not be in the power of the proprietor of the flat to which a garage is first allocated to convey or otherwise to dispose of the interest in the said garage or to lease it separately from the flat to which it is first allocated. (TWELFTH) There is reserved to us and our foresaids and



(D) Details of Existing Access via Queens Road to The Proposed Development

The Applicant owns the plot of land at 169 Queens Road, of which the proposed development site constitutes the southern portion. The satellite images below show the existing access route. In Image 1, it is also possible to see the original row of trees/shrubs (now removed) which ran along the fixed boundary fence between 4-6 Viewfield Mews and the southern end of the plot at 169 Queens Road.

Image 1 – Image of access route before boundary fence removed

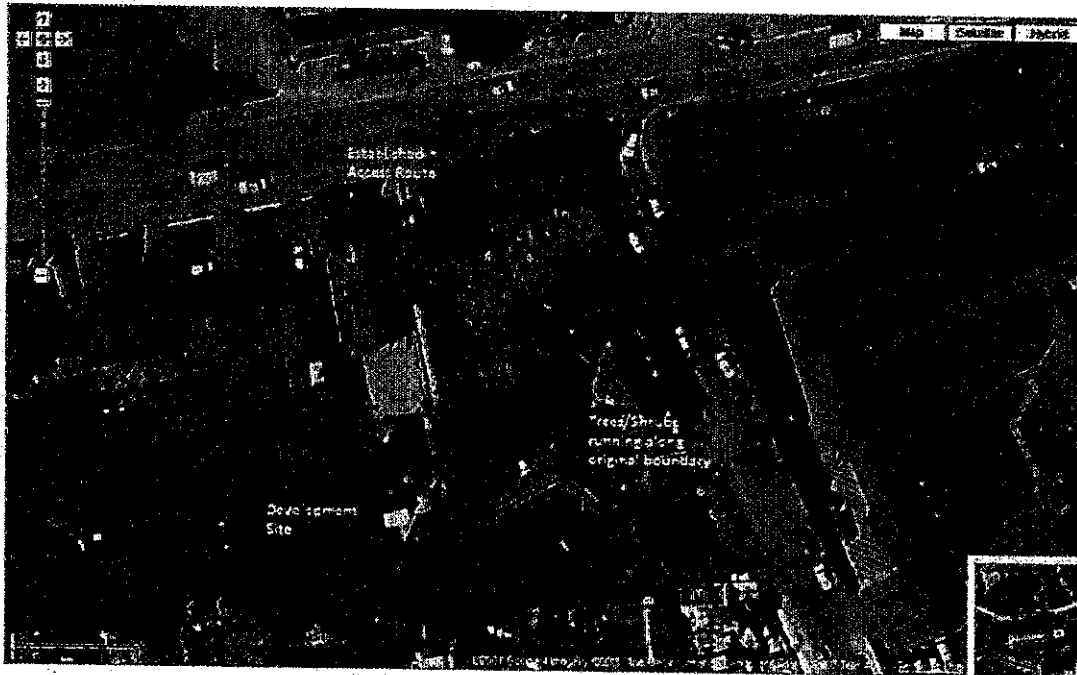


Image 2 – More recent Image, likely taken after boundary fence removed



RI

From: euan mearns [REDACTED]
Sent: 14 January 2015 22:05
To: PI
Cc: Martin Greig
Subject: planning application 141815
Attachments: To the Planning Committee.pdf

Dear pi,

Attached are my comments to the application made by Mr Russell Duthie.

Yours faithfully,

Dr Euan Mearns

Dr E. W. and Dr K. J. Mearns
10 Kepplestone Avenue
Aberdeen AB15 7XF

14th January 2015

To the Planning Committee, Aberdeen City Council

Reference 141815: 169 Queens Road AB15 8WF

With regards to the application to convert ancillary accommodation at 169 Queens Road to form a single dwelling house I wish the following to be noted.

1. When the original plans were submitted to build a garage and games room on the site around 1998 we objected to these plans on the basis that the structure was oversized for that purpose and argued that there was clear intent at that time to convert the building to a house at some later date.

We were advised that consent to build a house would not have been granted at that time and planning officials saw no grounds to presume that such a large structure was being built for any other reason than that claimed by the proprietor.

2. When building commenced a large lintel was incorporated in the south-facing wall. We objected to this on grounds that it was a clear sign of intent to modify the future use of the building. We were told that this was nothing more than a large brick.

3. I do not believe that the building was ever used as a garage and games room, although I have no evidence to support this.

4. Over the years, the building was incrementally modified a little bit a time. The window in the S facing wall below the pre-installed lintel was one of the earliest additions, I dare say over a decade ago.

Garage doors were replaced with windows, a small sun lounge added. In fact the whole building was piecemeal converted to a house. My impression is that all this took place well in advance of March 2012 when it is claimed a planning application was submitted. Again I do not have evidence to support this. I have better things to do with my time than to spy on the clandestine building activities of an anti-social neighbour who amongst other things erected a barbed wire fence between his and our property at a time that my family was growing up.

Further to the above the following should be noted:

Had Mr and Mrs Duthie listened to and taken due consideration of our legitimate concerns in 1998, they could have built their proto-retirement home as a single storey set well back from the boundary with 8 and 10 Kepplestone Avenue. This

would have provided them with garden to the south, blue skies and plenty sunlight. From memory the original planning consent said that the building was screened to the south by mature conifers. The first thing Mr Duthie did upon receiving his consent was to cut these conifers down. My response was to plant my own conifers to screen us from this HIDEOUS building.

I would also note that current notification (ref 141815) is dated 24 December 2014. I received it by post about 1 week ago and read that I had 21 days to respond. This seems like further cynical manipulation of "the system" for personal gain.

I request that The Planning Committee delays a decision on this application until Mr and Mrs Duthie provide verifiable evidence to support the veracity of the Supporting Statement issued by Michael Gilmour Associates. Specifically:

- a. A dated builders VAT receipt for conversion of the property from garage and games room to dwelling house that should, I presume post-date the March 2012 planning application referred to in said Supporting Statement.
- b. Provide evidence that 91 year old Mrs Coutts actually lived in the converted garage; and not in the main dwelling house of 169 Queens Road or in some other sheltered housing that would be normal for a lady of such a grand age (here I assume that social services will have records).

If such records are found to be in order then we raise no objection to the application made. If they are not in order then we move to have the building that in our opinion should never have been erected, demolished.

Yours faithfully,

Dr Euan Mearns
Dr Kathryn Mearns

P&SD Letters of Representation		
Application Number: 141815		
RECEIVED 15 JAN 2015		
Nor	Sou ✓	MAp.
Case Officer Initials: DEB		
Date Acknowledged: 16/1/2015		