

DECISION NOTICE

The Town and Country Planning (Scotland) Act 1997

Detailed Planning Permission

Dougal Morgan
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6 Albyn Lane
Aberdeen
Scotland
AB10 6SZ

on behalf of **Balgranach Properties Ltd**

With reference to your application validly received on 21 June 2018 for the following development:-

**Feu split, erection of 2 storey dwelling house and erection of separate double garage
at Balgranach, 269 North Deeside Road**

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:

Drawing Number	Drawing Type
2404/1000A	Location Plan
2404/101A	Site Layout (Proposed)
2404/103A	Multiple Elevations (Proposed)
NDR-1805-AA	Aboricultural Assessment
2404/102A	Multiple Floor Plans (Proposed)
NDR-1909-SS	Aboricultural Assessment
NDR-1808-TRA	Aboricultural Assessment
2404/105A	Elevations and Floor Plans
NDR-1805-TP	Aboricultural Assessment

REASON FOR DECISION

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

Whilst the proposal does carry some merits, it conflicts with key policies in the Aberdeen Local Development Plan 2017 which materially outweigh these merits and therefore the proposal is considered worthy of refusal for the following reasons:

1. The principle of development is not considered acceptable given the siting of a house with the garden ground of Balgranach (269 North Deeside Road) would introduce a third house within the feu of the original house, thus conflicting with the established pattern of development in the immediate surrounding area south of North Deeside Road between 269 North Deeside Road and Milltimber Brae (but north of Station Road). As such, the proposal is contrary to Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and its associated supplementary guidance titled 'Sub-division and redevelopment of residential curtilages', as well as the relevant aspects of Scottish Planning Policy.
2. The proposed development is considered to be "overdevelopment" of the site area, based on two key considerations. Firstly, given the proposed dwellinghouse contains a well-proportioned integrated garage, the addition of a further detached garage in a visually un-related location within the site renders this part of the proposal superfluous. Secondly, the proposed garden area - once taking cognisance of the net developable area - is considered to be considerably smaller than those attributed to neighbouring premises and therefore the site would appear overly constrained within the context of the surrounding area. As such, the proposal fails to comply with all relevant requirements of Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017.
3. The proposed garage, by virtue of its close proximity to the rear of the neighbouring dwellinghouse and its intended purpose - which shall result in noise arising from passing vehicles and people coming and going - shall have an undue adverse impact on the residential amenity of Balgranach. As such, the proposal is considered to conflict with the relevant requirements of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and the relevant aspects of Scottish Planning Policy.
4. The proposed 'shared driveway' arrangement used to access the proposed dwellinghouse shall result in frequent noise generating vehicle movements bypassing both neighbouring dwellinghouses Balgranach and no. 8 Station Road East, where they didn't previously exist. As such, the proposed site arrangement would have an undue adverse impact on the residential amenity of the aforementioned dwellinghouses rendering the proposal in conflict with the relevant provisions of Policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2017.
5. The proposed development would threaten the long-term preservation of a tree to the east of the site which have general amenity and landscape character value, and which fall outwith the applicant's control. As such, the proposal is considered to be contrary to Policy NE5 (Trees and Woodlands) in the Aberdeen Local Development Plan 2017.

6. Having regard to the proposed dwellinghouse level and arrangement of fenestration and its proximity to the southern boundary of the site, it is considered the proposed development would have an adverse impact on public visual amenity from the Deeside Way - a key public thoroughfare running from the periphery of Aberdeen City Centre out to Royal Deeside. As such, the proposal is considered to be in conflict with Policy D1 (Quality Placemaking by Design), Policy D2 (Landscape), H1 (Residential Areas) in the Aberdeen Local Development Plan 2017 and the relevant aspects of Scottish Planning Policy.

Date of Signing 3 October 2018



Daniel Lewis
Development Management Manager

IMPORTANT INFORMATION RELATED TO THIS DECISION

DETAILS OF ANY VARIATION MADE TO ORIGINAL PROPOSAL, AS AGREED WITH APPLICANT (S32A of 1997 Act)

None.

RIGHT OF APPEAL THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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(8) of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. Any requests for a review must be made on a 'Notice of Review' form available from the planning authority or at www.eplanning.scot.

Notices of review submitted by post should be sent to Strategic Place Planning (address at the top of this decision notice).

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.