

Directorate for Planning and Environmental Appeals

## Appeal Decision Notice

T: 01324 696 400  
F: 01324 696 444  
E: [dpea@scotland.gsi.gov.uk](mailto:dpea@scotland.gsi.gov.uk)



---

Decision by Richard Dent, a reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2263
- Site address: Eshcol, Mackenzie Crescent, Peterhead, Aberdeenshire AB42 2YT
- Appeal by Mrs Anne Watt against the decision by Aberdeenshire Council
- Application for planning permission, reference AAP/2014/3724, dated 17 October 2014 refused by notice dated 12 February 2015
- The development proposed: construction of replacement house
- Drawing numbers: see Schedule 1
- Date of site visit by reporter: 15 May 2015

Date of appeal decision: 2 June 2015

---

### DECISION

I allow the appeal and grant planning permission for a replacement house subject to the conditions listed in Schedule 2. Attention is drawn to the advisory notes following the conditions.

### REASONING

1. I am required to determine this appeal in accordance with the development plan, unless material considerations indicate otherwise. The development plan comprises the Aberdeen City and Shire Structure Plan 2014 and the Aberdeenshire Local Development Plan 2012. Having regard to the provisions of the development plan, the main issues in this appeal are whether the principle of development is acceptable and, if so, whether the details of the proposal in terms of siting, layout and design are appropriate.
2. No relevant policies of the structure plan, a strategic document, have been brought to my attention in respect of the detailed development management applying to this proposal.
3. The report of handling explains that the appeal site lies within the settlement boundary of Peterhead with a presumption towards the granting of planning permissions subject to conformity with relevant policies. The site lies within a neighbourhood that is essentially residential in character and, in turn, I consider the basic principle of the proposed development is acceptable.

4. Local development plan Policy 8, Layout, Siting and Design of New Development, indicates that development will be assessed using a process that includes public consultation and appropriate standards of design, open space, safety, sustainability, and the provision of associated services. Supplementary guidance sets out the way in which the assessment will be undertaken. In this case, the report of handling draws attention to supplementary guidance in respect of Layout, Siting and Design of New Development, Infill Development and Flooding and Erosion.

5. In terms of layout and siting, the existing access to the site would remain along with the stone wall frontage. The footprint of the replacement house within the site would be very similar to that of the current building. The proposed replacement house would increase the area of the building from 225 sq.metres to 232 sq.metres. Some limited sections of the northwest and southwest elevations would be marginally closer to the site boundary. Nevertheless, I consider the proposed replacement house would generally reflect the existing in terms of layout and siting and accord with the residential character of the vicinity.

6. Design is a more contentious issue and the proposal was refused planning permission because the “design does not fit with the local surrounding area.” The council explains that the design would not “replicate the character of either the traditional 1900’s buildings to the rear of the site, the 1950’s style properties of Mackenzie Crescent or the neighbouring suburban style property on South Road”. Several representations have been received also expressing concern about the design of the proposed house. It is claimed that the height of the building would not relate well to surrounding properties and cause overlooking with loss of privacy, sunlight and daylight. Objectors believe the design of the building and the materials to be used would lead to an unacceptable visual impact and lack of compatibility. They argue there are no other nearby houses with a “nautical” theme.

7. I note the proposed height of the replacement house would be no greater than the ridge height of the highest part of the existing house. The report of handling states that the design of the roof would allow light into the properties to the rear. In terms of overlooking, the report explains there would be fewer windows in the rear elevation and these do not serve main living accommodation. The view from the lounge window to the north would be limited by shrubbery. Overall, the report believes the degree of overlooking does not justify the refusal of the proposal. I agree with this assessment.

8. The appellant argues that the innovative design reflects the requirements of the development plan. A design statement was prepared which suggested a more contemporary, industrial look for the proposed house commensurate with the industrial buildings and materials sited around Peterhead Bay. The design that evolved recognised the unique location of the site and took account of environmental, sustainability and accessibility issues. As a consequence, the design concept has limited the roof height to that of the existing building, generally retained the footprint within that of the existing house, located utility rooms and bathrooms to the rear and placed the principal rooms to the front towards the view over the harbour. Materials reflect context and durability including zinc sheeting for the roof with white render, black aluminium clad windows, grey panels and western red cedar cladding.

9. As indicated, the immediate neighbourhood has a residential ambience with a range of house types including stone built traditional buildings, typical mid-20<sup>th</sup> century two storey

houses and modern bungalows. Nevertheless, I recognise the wider area encompasses Peterhead Bay with its extensive maritime and port-related activities. These activities include a variety of building types, designs and materials and I note, particularly, the Maritime College which is prominent in the view northwards past the appeal site from Mackenzie Crescent.

10. The design statement supporting the proposal has been prepared in terms of the supplementary guidance. I believe the document provides a clear explanation of the approach to design in both the wider context and the details of the proposed building on the site. I accept the proposed house does not incorporate the more traditional design features of the immediately surrounding property. However, I do not agree that this justifies the assertion that the building “would not fit in”.

11. Policy 8 addresses the question of design and states: “in the case of a house, design is not just about what the building looks like, but also about the way the building works, how long it will last and how it relates to its surroundings. It is not about copying the past, but promoting appropriate design, whether that be new or traditional.”

12. Architectural design is subjective but individual preference should not dictate planning judgement. I believe the architecture of the existing property in the vicinity is varied and that the proposed house would represent a further element in this variation. I recognise the architectural objective of reflecting the industrial and nautical influences found in Peterhead as described in the design statement. However, whilst the proposed building incorporates innovative design, I do not think this overwhelms the essential residential character of the development. I further consider that the design, both internally and externally, takes account of the site characteristics, including the orientation across the harbour and the relationship with neighbouring property.

13. Although the overall height of the new house would be no greater than the existing, it would be likely to provide an appearance of greater mass because of the larger proportion of roof at the highest existing level. However, the impact would not be so dominant as to significantly detract from the amenity of nearby buildings. The stone properties to the southwest are at a higher level and the house to the northwest is behind the rear elevation of the proposed house and is already closest to the highest part of the existing house. As indicated, I also accept that the internal arrangements of the proposed house are such that problems of overlooking would not be significant.

14. Overall, I agree with the report of handling that the proposal is acceptable in terms of layout, siting and design.

15. The report of handing states the building would enhance the local area, standing as a feature when viewed from the bay area. In the opinion of the report, the building would not detract from the designated “valued view” in terms of local development plan Policy 12, Landscape Conservation. In turn, I also agree that the proposed house would not have a detrimental impact on the valued view and there would be no conflict with Policy 12.

16. Having noted the consultation responses of the service providers, I have no reason to believe that the proposal would raise any problems in respect of flood risk or the provision of services. The requirement to apply standard access conditions is reasonable.

17. The report of handling refers to Policy 9, Developer Contributions, but the council has indicated that, in the event of planning permission being granted, a contribution would not be required in this instance.

18. Overall, I conclude that when assessed against the relevant policies of the development plan, the proposal is acceptable in principle and in terms of siting, layout and design. This conclusion points to the granting of planning permission and so it is necessary to determine whether any material considerations suggest that refusal is justified.

19. Scottish Planning Policy sets out national planning policies and requires planning to take a positive approach to enable high-quality development. The report of handling recognises the design and materials of the replacement house do not replicate the surrounding area but nevertheless describes the level of design as high. Scottish Planning Policy presumes in favour of development that contributes to sustainable development. The design statement explains the proposed house would incorporate heavily insulated and air-sealed construction to minimise heating demand, efficient underfloor heating, a heat recovery ventilation system and high level skylights and clerestories to significantly increase internal daylighting. These are sustainable attributes. Overall, I consider that the terms of Scottish Planning Policy lend support to the proposal.

20. I have noted the submissions of third parties. Several of these representations support the proposal but a number of objections have been received. I have already considered matters relating to design and the impact on neighbouring properties and concluded that the proposal is acceptable in these respects.

21. A further issue relates to the stability of the site and the surrounding land. Objectors explain that there has been a long history of local ground instability with a lack of remedial work. Indeed, a further landslip took place recently. The closure of Mackenzie Crescent to traffic is said to further demonstrate the instability problems. It has been suggested that the site is unsuitable for demolition and re-building especially with the likelihood of heavy construction traffic.

22. The appellant explains that consulting engineers have assessed stability. It has been concluded that controlled construction of the proposed house would not compromise the slope. A construction management plan has been prepared setting out appropriate construction techniques. These include ensuring that heavy materials are lifted onto the site from vehicles parked on the road. The appellant points out that the closure of part of Mackenzie Crescent does not affect Eshcol there being no restrictions on access to the appeal site. Construction traffic would therefore be able to operate in accordance with the construction management plan. In any event, it is claimed, no stability problems have been experienced with the current house. All in all, the appellant believes stability concerns have been addressed to the satisfaction of the council.

23. The report of handling acknowledges the engineering implications and does not dispute the possibility of achieving a satisfactory solution. Equally, I have no reason to believe that such a solution could not be achieved. I therefore conclude that the ground stability issues in the general area of the appeal site do not justify precluding the construction of the proposed replacement house.



*Reason: to protect the natural environment and ensure measures are put in place to eradicate and prevent the spread of any invasive non-native species that may present on the development site.*

2. The development shall be serviced in accordance with the approved drawings and the following details:

- a minimum of the first 5metres of the driveway (measured from the edge of the road) to be retained as fully paved;
- prior to occupation of the replacement house, off-street parking for two cars surfaced in hard-standing materials must be provided within the site;
- prior to occupation of the replacement house, a suitable vehicle turning area, measuring not less than 7.6 metres by 7.6 metres, must be formed within the site to enable all vehicle movements onto or from the public road to be carried out in a forward gear.

*Reason: to ensure that the development is serviced by an appropriate standard of access and associated on-site vehicle manoeuvring arrangements in the interests of road safety.*

#### ADVISORY NOTES

1. **The length of the permission:** This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. **Notice of the start of development:** The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

3. **Notice of the completion of the development:** As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).