### Summary of Decision

The Reporter accepted that the roof ridge on the extension would be visible above the existing cottage. However, the roof would be of the same colour and material, and therefore does not consider that this overtopping would significantly affect the roofline along this part of the High Street, noting that it would be visible from the street. Considered the proposal would respect the character and appearance of the surrounding area.

Notes the extension would not be subservient to the main property, as would be slightly higher and larger than the existing cottage; it would otherwise respect the existing dwelling in terms of its design and materials.

Although visible, considers it is limited, and therefore would not be discordant in its appearance. The extension would not be subservient, but considered it would not be overly dominant.

Accepts that the proposed extension would have an unacceptable impact on the adjacent property, number 6, by virtue of loss of light and its associated amenity space. The proposed extension would overshadow the extension to the rear of number 6. The main gardens in this row of cottages are to the rear of and upslope from the properties, adjoining the adjacent fewer, and therefore have fewer concerns on impact on number 6.

The proposed extension will result in loss of light, do not consider that the impact would be significant. The Reporter upheld the appeal and granted planning permission.
The Reporter referred to a demolition order, details which were submitted by the applicant after the appeal had been lodged, and not before the Council. However, this is inaccurate, and it is unfortunate that a lot of reliance has been placed on this by the report (see paragraph 23 of the appeal decision). The Order in place, dated 1994, was in fact to prevent occupation until sanitary conditions improved. There Reporter has therefore erroneously considered renovation in preference to demolition, when in fact there was no requirement or direction given by the Council to demolish.

The appellant also made reference to a protected characteristic after the appeal had been lodged, and at no time before was the Council aware. The Reporter has indicated that this fact is material to the decision.

The Reporter whilst considered impact on the residential amenity of the outside space to the adjacent property; did not consider the impact of loss of light on the rooms within the house (i.e. loss of light to the windows).

**Actions**

**Note Decision**
Decision by Amanda Chisholm, a Reporter appointed by the Scottish Ministers

- Planning appeal reference: PPA-110-2377
- Site address: 7 High Street, New Pitsligo, Fraserburgh, Aberdeenshire, AB43 6ND
- Appeal by Mrs Karen Fraser against the decision by Aberdeenshire Council
- Application for planning permission APP/2018/2870 dated 5 November 2018 refused by notice dated 24 April 2019
- The development proposed: Alterations and extension to dwellinghouse
- Application drawings listed in schedule
- Date of site visit by Reporter: 6 August 2019

Date of appeal decision: 29 October 2019

Decision

I allow the appeal and grant planning permission. Attention is drawn to the three advisory notes at the end of the notice.

Preliminary

1. I note the appellant’s request for a hearing to facilitate a discussion. However, the main purpose of a hearing is to obtain further information on a particular matter before the appeal can be decided. In this case, given the written submissions and the observations I made at the site inspection, I consider that I have sufficient information before me to come to a decision.

Reasoning

2. 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 Strategic Development Plan (adopted 2014) and the Aberdeenshire Local Development Plan (adopted 2017). The proposal at appeal does not raise any strategic issues and falls to be assessed against the relevant provisions of the local development plan.

3. Policy P3 of the Local Development Plan (Infill and householder developments within settlements, including home and work proposals) supports a house extension, providing it respects both the character of the surrounding area and the design/scale of the existing house, and does not significantly reduce the amenity of neighbouring residents. Having regard to the provisions of the development plan, the main issues in this appeal are the effect of the proposed development on the character and amenity of the surrounding area.
and neighbouring residents, as well as on the existing dwelling, and the extent to which the extension would address the specific needs of the appellant's family.

4. The dwelling house at appeal was formerly a one-and-a-half storey cottage with dormer windows, as demonstrated by the submitted photograph. The upper storey is no longer usable, in its current form, as it is too low to provide a modern standard of living accommodation and no longer meets current building regulations.

5. The appellant proposes to renovate and extend the property. This would involve the refurbishment of the existing cottage to house a kitchen/family room and a living room, with storage space above the latter. The existing lean-to at the rear of the property would be demolished to facilitate the proposed one-and-a-half-storey extension, which on the ground floor would house three bedrooms (one of them en-suite), a family bathroom, utility area and store. The first floor, lit by velux-style windows, would feature two further bedrooms (one of them en-suite).

**Principle of the development**

6. The principle of the re-use and extension of the existing property is not in dispute. The council's concerns about the proposed development focus on the effects of the proposal on the character and amenity of the existing dwelling and the surrounding area, including near neighbours.

**Character of the surrounding area; Design and scale of existing dwelling**

7. At the site inspection I observed that New Pitsligo is a planned settlement, founded in 1787. This is reflected in the design and scale of properties in the High Street generally, which are predominantly one or one-and-a-half storey traditional cottages, with the exception of a few two-storey commercial or residential properties, constructed of traditional material such as stone.

8. The appeal site is situated at the northern end of New Pitsligo and is considered by the council to lie within the village's historic core. Number 7 is one of a row of twelve north-east facing residential properties on the High Street. The majority of these (Numbers 4 to 11) comprise traditional semi-detached one-storey cottages fronting directly onto the High Street (some may include an attic storey as at Number 7).

9. The roof ridge height of the traditional cottages is, in the main, consistent along the row, apart from Number 9, which is on raised ground. The proposed extension would have a gable roof (approximately 5.5 metres to roof ridge), similar in design to that of the existing and neighbouring cottages, but higher than the existing building by approximately 1.1 metres.

10. There is dispute about whether the proposed extension would be visible from the High Street. The appellant refers me to the seven visualisations provided, which set out the predicted view of the extension alongside the existing cottage from a range of perspectives, including from: the pavement; the off-street parking area; across the road; and on the road travelling north-west and south-east. While I acknowledge the council's concerns regarding the lack of scale and reference point information, from what I saw at my site inspection the
visualisations appear to be a good indication of the potential visibility of the proposed extension. These indicate, firstly, that the east-facing gable of the extension and the north-east facing aspect of its roof would be visible from some viewpoints to the south-east of the appeal site and, secondly, that the roof ridge of the extension would be visible from viewpoints directly across the road and when viewing it from an angle from the south-east.

11. In terms of the design and scale of the existing dwelling, the proposal at appeal would retain the traditional stone gable of the existing cottage; the gable end of the extension would be rendered to match the colour of the existing granite. The proposed extension would sit adjacent to and run along the rear of the existing cottage, approximately 13.8 metres, and would be approximately 6.4 metres wide. In length it would therefore nearly match the existing property, but would be stepped back by 0.35 metres. It would be wider by more than a metre.

12. The appellant states that many other properties in the street have extensions to the rear. At the site inspection I did indeed observe a range of such extensions, both in the immediate locale and elsewhere in New Pitsligo.

13. I accept that the roof ridge of the extension would be visible above that of the existing cottage. However, both roofs would be of the same colour and material, and I do not consider that this overtopping would significantly affect the roof line along this part of the High Street. Although the extension’s gable and part of its roof would be visible from the street, this would be little different from any of the other cottages and their extensions. The gable of the extension would be visible from only a short stretch of the street, and the new roof would not be visible above the existing cottage from the footpath. I therefore consider that the proposed development would respect the character and appearance of the surrounding area.

14. The council, in its reasons for refusal, considered that the proposed extension would fail to respect the original dwelling house. I accept that the proposed extension would not be subservient to the main property in that it would be slightly higher and slightly larger than the existing cottage. However, it would otherwise respect the existing dwelling in terms of its design and materials.

Neighbouring properties

15. The appeal site sits to the south-east of its immediate neighbour at Number 6, the other half of the semi-detached property. At the site inspection I observed that the boundary wall between and to the rear of the two properties has been modified to reflect the rear extension to Number 6.

16. The council has concerns that the proposed extension would have an unacceptable impact on Number 6 by virtue of loss of light to the dwelling house and its associated amenity space. I accept that the proposed extension would overtop the existing boundary wall and would therefore overshadow the extension to the rear of the house. However, I note that there is a fairly substantial one-storey shed to the immediate rear and south-west of Number 6, separated only by a short width of concrete, which is also likely to result in loss of light to the existing extension. At the site inspection I observed that the amenity space comprises a concrete apron, primarily used for storage; from my observations the
main gardens in this row of cottages are to the rear of and upslope from the properties, adjoining the adjacent field. I therefore have fewer concerns in this regard.

17. In terms of privacy, no windows are proposed in either of the gable ends on the extension. In addition, there are no properties to the rear of the appeal site. I therefore consider that overlooking, with consequent effects on privacy, would not be an issue in this case.

Assessment against the Local Development Plan

18. Drawing all of the above together, although the roof ridge, end gable and part of the roof of the extension would be visible from certain viewpoints, this would be very limited and I therefore consider that it would not be unsympathetic to the character of the High Street and would not introduce a discordant note to its appearance. Although the extension would not be subservient to the existing property, it would not be overly dominant. In these regards it would comply with the requirements of Policy P3.

19. In terms of residential amenity, I find that the proposed extension would result in some loss of light to its immediate neighbour at Number 6. Given the other factors I identify, I do not consider that the impact on residential amenity would be significant.

20. I find that the proposed development would comply overall with the requirements of the local development plan.

Other material considerations

21. The appellant states in the grounds of appeal that a family member is disabled. I am therefore required, under section 149(1) of the Equality Act 2010, to consider the applicability of the public sector equality duty to this appeal. I requested further information from both the appellant and the council in this regard. The council has indicated that there are no specific policies within the local development plan that would alter its decision.

22. My understanding from the submissions is that the appellant, in seeking permission for a one-and-a-half-storey extension, intended to provide the family member in question with an element of privacy which would both afford a degree of independence and address issues of sensitivity to noise. While there may, as the council states, have been other design approaches which would address these needs, I consider that they are material to my decision.

23. I note that the existing cottage is the subject of a demolition order issued in 1994. Rather than demolish the property, the appellant proposes to renovate and extend it. I consider that demolition of this traditional cottage would adversely affect the character of this section of the High Street, as it would leave a gap in this row of traditional semi-detached cottages that could be difficult to ameliorate. I therefore consider that the proposal to renovate and extend the property would allow the appearance of the cottages fronting directly onto the High Street to be retained. Renovation of the current disused property would also improve the character and appearance in this locale.

Other matters
24. I note the appellant’s complaint about the time taken to determine the outcome of the planning application, but this is an administrative matter for the council and not for this appeal.

**Conclusion**

25. I therefore conclude, for the reasons set out above, that the proposed development accords overall with the relevant provisions of the development plan. I have considered all the other matters raised, but there are none which would lead me to alter my conclusions.

*Amanda Chisholm*

Reporter

**Drawings**

- Drawing 2017/002/001 - Location plan
- Drawing 2017/002/002 - Site plan
- Drawing 2017/002/003 - Existing site plan
- Drawing 2017/002/005 - Existing plan and elevations
- Drawing 2017/002/006 - Proposed elevations
- Drawing 2017/002/007 - Proposed elevations (2)
- Drawing 2017/002/008 - Proposed Section A-A
- Drawing 2017/002/009 - Proposed Section B-B
- Drawing 2017/002/010 - Proposed ground floor plan
- Drawing 2017/002/011 - Proposed first floor plan
- Drawing 2017/002/012 - Proposed roof plan
- Drawing 2017/002/013 - Existing site plan 2

**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)).