

8. **LRB 465** – Notice of Review Against Refusal of Full Planning Permission for Dormer Extension at 16 High Shore, Macduff, Aberdeenshire, AB44 1SL – Reference: APP/2019/0482.

(ii) Supporting Documents as submitted by the Planning Service.



TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Application Reference: APP/2019/0482

TO: Kirsty Cleghorn
Insperata Architecture
Isla Cottage Studios
Whiterashes
Aberdeenshire
AB21 0QP

FOR: Mrs Audrey Horne
20 High Shore
MacDuff
Aberdeenshire
AB44 1SL

In pursuance of the powers exercised by them as Planning Authority, this Council having considered your application for the following:

Full Planning Permission for Formation of Dormer Extension at 16 High Shore, Macduff, Aberdeenshire, AB44 1SL

and in accordance with the plan(s) docquetted as relative hereto and the particulars given in the application, do hereby give notice of their decision to **REFUSE Full Planning Permission** for the following reason(s):

- (1) The proposed dormer extension does not comply with Policy P3: Infill and householder developments within settlements due to its overall scale, non-traditional appearance, unbalanced windows and prominence in the streetscape which does not respect the character of the surrounding area.

Dated: 13 May 2019



Head of Planning and Building Standards

List of Plans and Drawings

Reference Number: 030-02 Rev 2 - Proposed Plan, Elevations and Sections

**IMPORTANT – THIS IS A LEGAL DOCUMENT PLEASE RETAIN WITH YOUR
TITLE DEEDS**

**NOTES**

- (i) In the case of any permission granted, this does NOT incorporate any building warrant for any operations or change of use which may be required under the Building (Scotland) Act 2003. This must be obtained separately from the Council prior to the start of building operations.
- (ii) Any permission granted does not incorporate any listed building consent which may be required. This must be obtained separately prior to the start of building operations.
- (iii) Any permission granted is without prejudice to any further consents required from Aberdeenshire Council in its role as landowner.
- (iv) If the applicant is aggrieved by the decision of the planning authority to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. A Notice of Review form should be obtained from and submitted to:

Head of Legal and Governance
Business Services
Aberdeenshire Council
Woodhill House
Westburn Road
Aberdeen
AB16 5GB

Tel: 01467 532862

Email: committee.services@aberdeenshire.gov.uk

A form may also be obtained from a local Planning office or the Council's website at www.aberdeenshire.gov.uk/committees/localreviewbody.asp

- (v) If permission to develop land is refused or granted subject to conditions 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 which has been or would be permitted, the owner 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.

REPORT OF HANDLING

Application Reference: APP/2019/0482

Proposal: Formation of Dormer Extension

Address: 16 High Shore, Macduff, Aberdeenshire, AB44 1SL

1. Description of Proposal

Full planning permission is sought for the formation of a dormer extension at 16 High Shore, Macduff.

The house lies on the north coast of Macduff to the east of the Macduff Aquarium on a residential street. The house is on a corner plot, is of a single storey with a traditional form, features and materials.

The proposed dormer extension is on the rear, north east elevation which fronts onto High Shore due to the street layout. The proposed dormer is 6m wide, handed towards the right of the upper floor which currently comprises three rooflights. The dormer would extend approximately 0.5m to the front of the existing roof. The proposed finishes include slate dormer walls, timber windows and plastic-coated box profile flat roof. The two windows are to be fixed panes measuring 0.8m x 1.5m and 2.4m x 1.5m respectively.

2. Relevant Planning History

None.

3. Supporting Information

None.

4. Variations & Amendments

None.

5. Representations

No valid representations have been received.

6. Consultations

No consultations undertaken.

7. Relevant Policies

Scottish Planning Policy

The aim of the Scottish Planning Policies is to ensure that development and changes in land use occur in suitable locations and are sustainable. The planning system must also provide protection from inappropriate development. Its primary objectives are:

- to set the land use framework for promoting sustainable economic development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Development and conservation are not mutually exclusive objectives; the aim is to resolve conflicts between the objectives set out above and to manage change. Planning policies and decisions should not prevent or inhibit development unless there are sound reasons for doing so. The planning system guides the future development and use of land in cities, towns and rural areas in the long term public interest. The goal is a prosperous and socially just Scotland with a strong economy, homes, jobs and a good living environment for everyone.

Aberdeen City and Shire Strategic Development Plan 2014

The purpose of this Plan is to set a clear direction for the future development of the North East. It promotes a spatial strategy. All parts of the Strategic Development Plan area will fall within either a strategic growth area or a local growth and diversification area. Some areas are also identified as regeneration priority areas. There are also general objectives identified. In summary, these cover promoting economic growth, promoting sustainable economic development which will reduce carbon dioxide production, adapt to the effects of climate change and limit the amount of non-renewable resources used, encouraging population growth, maintaining and improving the region's built, natural and cultural assets, promoting sustainable communities and improving accessibility in developments.

From the 29 March 2019, the Strategic Development Plan 2014 will be beyond its five-year review period. In light of this, for proposals which are regionally or strategically significant, or give rise to cross boundary issues between Aberdeen City and Aberdeenshire, the presumption in favour of development that contributes to sustainable development will be a significant material consideration in line with Scottish Planning Policy 2014.

The Aberdeenshire Local Development Plan 2017 will continue to be the primary document against which applications are considered. The Proposed Aberdeen City & Shire SDP 2020 may also be a material consideration.

In terms of assessment against the Strategic Development Plan, due to the small scale of this proposal the proposed development is not considered to be

strategic or regionally significant, or require consideration of cross-boundary issues and, therefore, does not require detailed consideration against the SDP.

Aberdeenshire Local Development Plan 2017

Policy P1: Layout, siting and design

Policy P3: Infill and householder developments within settlements

8. Other Material Considerations

An equality impact assessment is not required because the granting or refusing of the application will not have a detrimental impact on the protected characteristics of the applicant or any third parties.

9. Implications and Risk

There are no risks identified in respect of this matter in terms of the Corporate and Directorate Risk Registers as the Committee is considering the application as the planning authority in a quasi-judicial role and must determine the application on its own merits in accordance with the Development Plan unless material considerations justify a departure.

10. Directions by Scottish Ministers

None.

11. Discussion

The key issue in the consideration of this application is the design of the proposed dormer and any impact on neighbouring amenity.

Policy P3: Infill and householder developments within settlements supports development related to an existing house 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 the neighbouring residents.

There is no concern with the principle of making alterations to the property however, its overall acceptability primarily relates to the design, scale and finishes of the proposal. The proposed dormer is considered prominent in the streetscape due its corner plot, despite being located on the rear elevation. It is acknowledged that there are a range of dormer windows on High Shore, including a flat roof box dormer on a neighbouring property however, this spans the upper floor of the property and appears to be of smaller proportions. It is considered that the dormer would be particularly prominent when travelling east. The scale of the dormer exacerbates this prominence for example when viewed from the side elevation from High Shore as it extends above where the tabling meets the chimney breast which also detracts from the traditional form of the cottage. The dormer introduces an unbalanced appearance to the house as it is located to the right-hand side of the roof while the large window detracts from the vertical emphasis throughout the traditional property.

It is noted that the agent has provided further visualisations and correspondence to address the above concerns. This included the rationale for the large window on the dormer which is to allow views of the coast to enhance the use of the property as a holiday let. It was also stated that the dormer would continue the variation of window styles and sizes in the immediate area. Although these points are acknowledged it was not considered sufficient to counter the above concerns.

There are no concerns of overshadowing or overlooking to neighbouring properties as a result of the dormer. The proposed finishes are considered acceptable.

Overall, the proposed dormer extension does not comply with Policy P3: Infill and householder developments within settlements due to its scale, non-traditional design and prominence in the streetscape. The proposal is therefore recommended for refusal.

12. Recommendation

REFUSE for the following reasons:

01. The proposed dormer extension does not comply with Policy P3: Infill and householder developments within settlements due to its overall scale, non-traditional appearance, unbalanced windows and prominence in the streetscape which does not respect the character of the surrounding area.

13. Process of Determination

The application was the subject of consultation with Local Members under the Council's Scheme of Delegation.

14. Planning Obligations

No



Viewmount Arduthie Road Stonehaven AB39 2DQ Tel: 01569 690544 Email: planningonline@aberdeenshire.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100155903-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Description of Proposal

Please describe accurately the work proposed: * (Max 500 characters)

Proposed rear dormer window

Has the work already been started and/ or completed? *

No Yes - Started Yes – Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Insperata Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kirsty	Building Name:	Isla Cottage Studios
Last Name: *	Cleghorn	Building Number:	
Telephone Number: *	07858 996991	Address 1 (Street): *	Whiterashes
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Aberdeenshire
Fax Number:		Country: *	Scotland
		Postcode: *	AB21 0QP
Email Address: *	studio@insperata.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Audrey	Building Number:	20
Last Name: *	Horne	Address 1 (Street): *	High Shore
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	MacDuff
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	AB44 1SL
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Aberdeenshire Council

Full postal address of the site (including postcode where available):

Address 1:

16 HIGH SHORE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

MACDUFF

Post Code:

AB44 1SL

Please identify/describe the location of the site or sites

Northing

864752

Easting

370840

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If yes, please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you proposed to make. You should also show existing footpaths and note if there will be any impact on these.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Kirsty Cleghorn

On behalf of: Mrs Audrey Horne

Date: 03/03/2019

Please tick here to certify this Certificate. *

Checklist – Application for Householder Application

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

- a) Have you provided a written description of the development to which it relates? * Yes No
- b) Have you provided the postal address of the land to which the development relates, or if the land in question has no postal address, a description of the location of the land? * Yes No
- c) Have you provided the name and address of the applicant and, where an agent is acting on behalf of the applicant, the name and address of that agent? * Yes No
- d) Have you provided a location plan sufficient to identify the land to which it relates showing the situation of the land in relation to the locality and in particular in relation to neighbouring land? *. This should have a north point and be drawn to an identified scale. Yes No
- e) Have you provided a certificate of ownership? * Yes No
- f) Have you provided the fee payable under the Fees Regulations? * Yes No
- g) Have you provided any other plans as necessary? * Yes No

Continued on the next page

A copy of the other plans and drawings or information necessary to describe the proposals (two must be selected). *

You can attach these electronic documents later in the process.

- Existing and Proposed elevations.
- Existing and proposed floor plans.
- Cross sections.
- Site layout plan/Block plans (including access).
- Roof plan.
- Photographs and/or photomontages.

Additional Surveys – for example a tree survey or habitat survey may be needed. In some instances you may need to submit a survey about the structural condition of the existing house or outbuilding. Yes No

A Supporting Statement – you may wish to provide additional background information or justification for your Proposal. This can be helpful and you should provide this in a single statement. This can be combined with a Design Statement if required. * Yes No

You must submit a fee with your application. Your application will not be able to be validated until the appropriate fee has been Received by the planning authority.

Declare – For Householder Application

I, the applicant/agent certify that this is an application for planning permission as described in this form and the accompanying Plans/drawings and additional information.

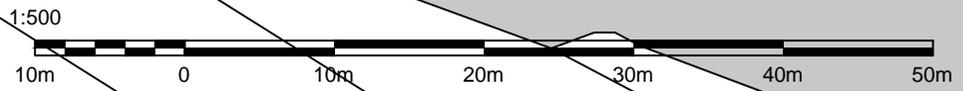
Declaration Name: Mrs Kirsty Cleghorn

Declaration Date: 03/03/2019

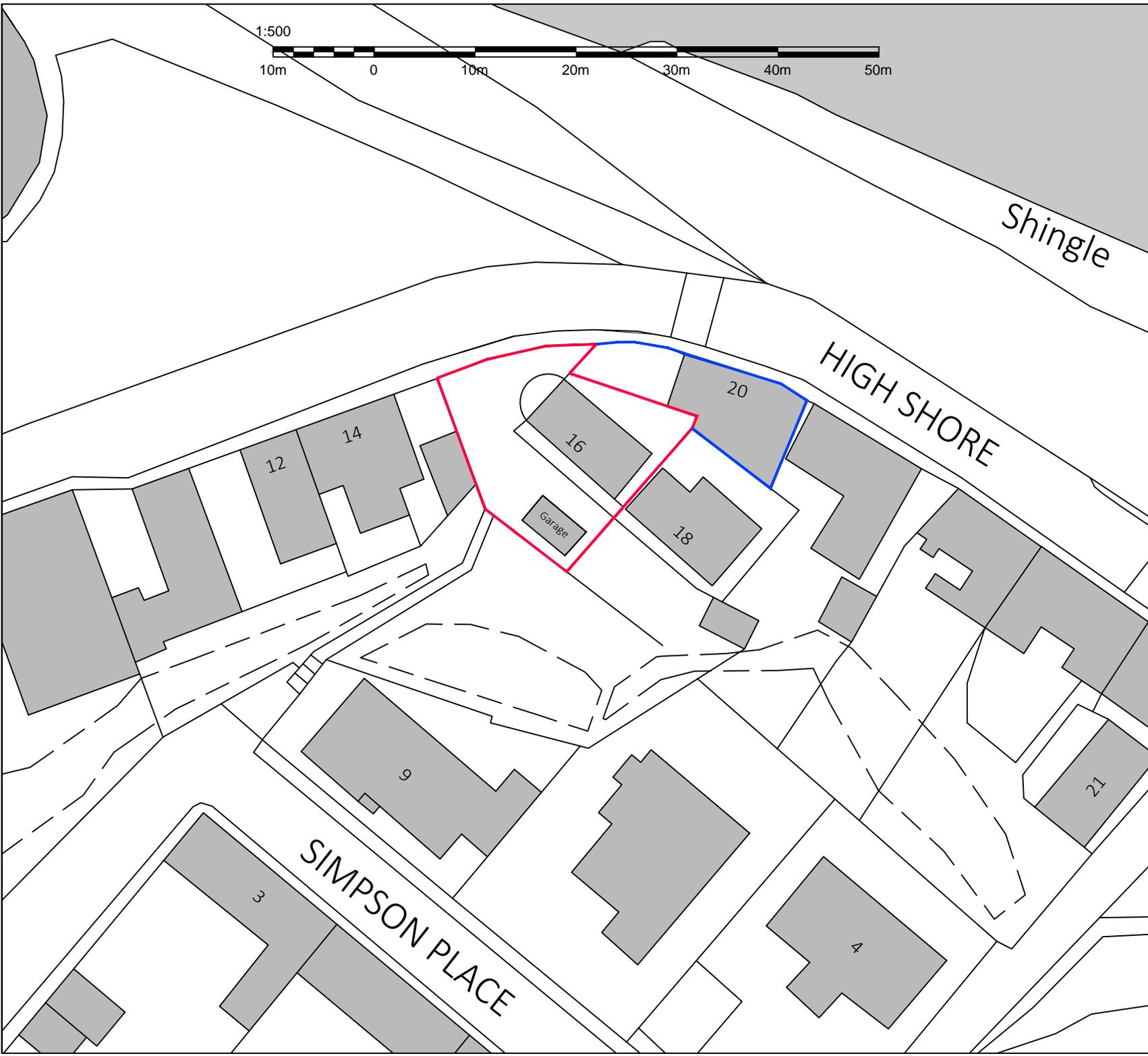
Payment Details

Online payment: XHWP00615960
Payment date: 03/03/2019 14:06:00

Created: 03/03/2019 14:06



Notes
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 Do not scale construction dimensions to this drawing.
 All dimensions are to be verified prior to construction



Revision History
 -

Project
 Jade Cottage
 16 High Shore
 Macduff
 AB44 1SL

Drawing Name
 Location Plan
 1:500

Drawing Status
 Planning Submission

Modified By
 KC

Date
 13/03/2019

Drawing Scale
 1:500

Drawing ID
 030-00

Revision
 2

INSPERATA ARCHITECTURE

Isla Cottage Studios, Whiterashes, AB21 0QP
 studio@insperata.co.uk
 01651 882718 | 467 996991
 www.insperata-architecture.co.uk

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Revision History
 -

Project
 Jade Cottage
 16 High Shore
 Macduff
 AB44 1SL

Drawing Name
 Location Plan
 1:1250

Drawing Status
 Planning Submission

Modified By
 KC

Date
 08/03/2019

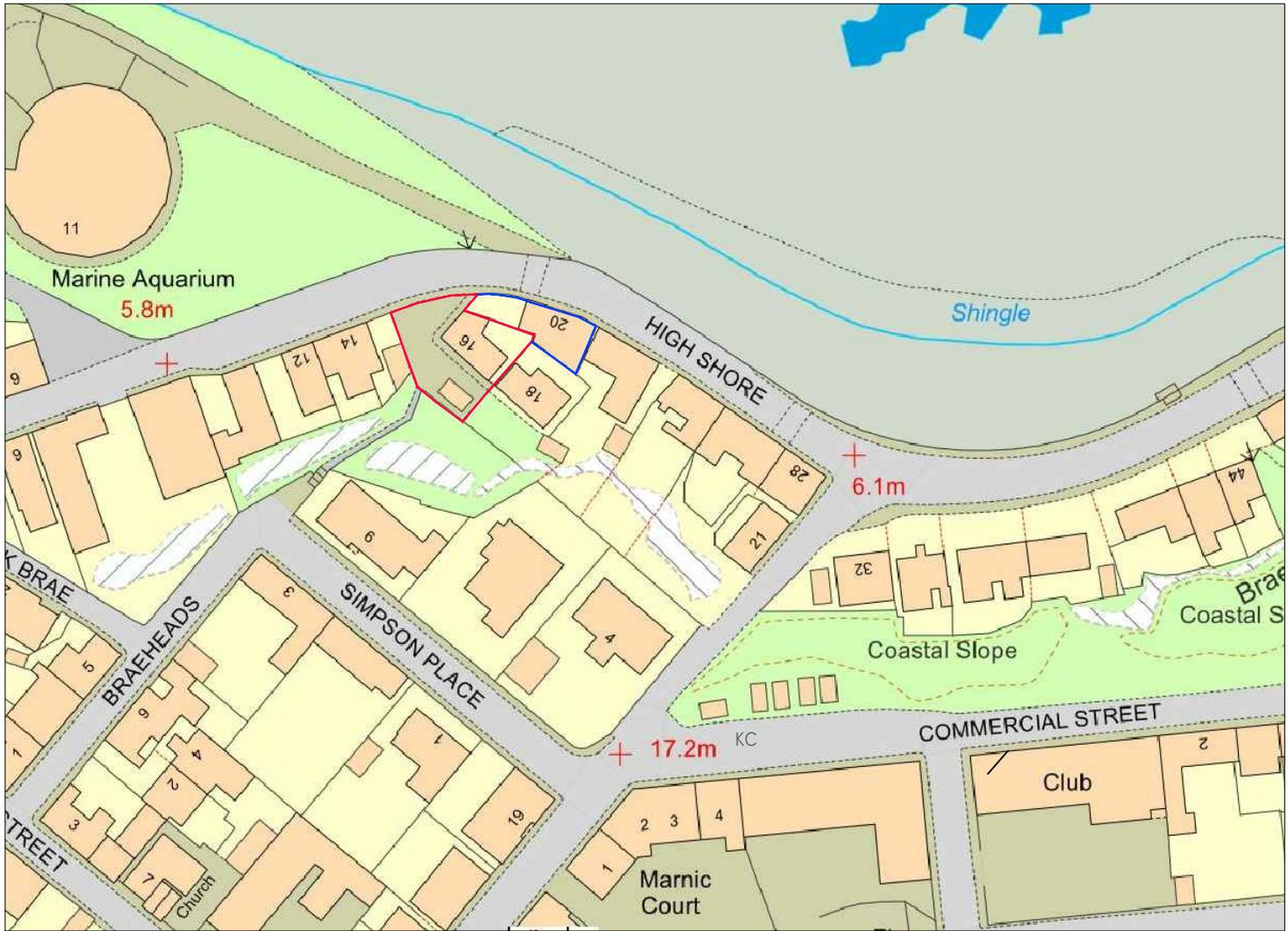
Drawing Scale
 1:1250

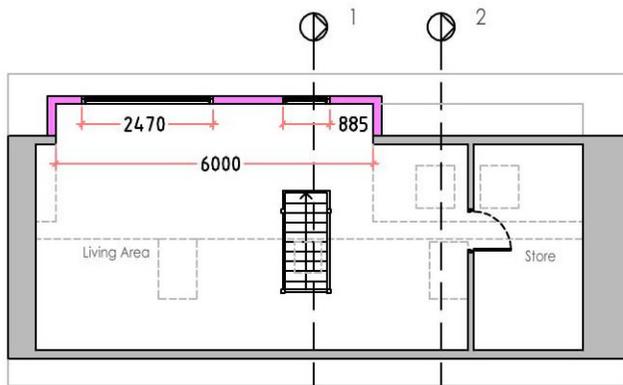
Drawing ID
 030 Location

Revision
 1

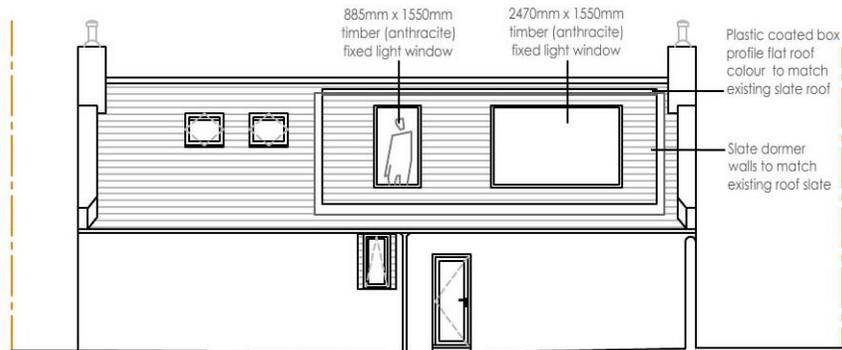
INSPERATA ARCHITECTURE

Isla Cottage Studios, Whiterashes, AB21 0QP
 studio@insperata.co.uk
 01651 882718 | 01651 996991
 www.insperata-architecture.co.uk

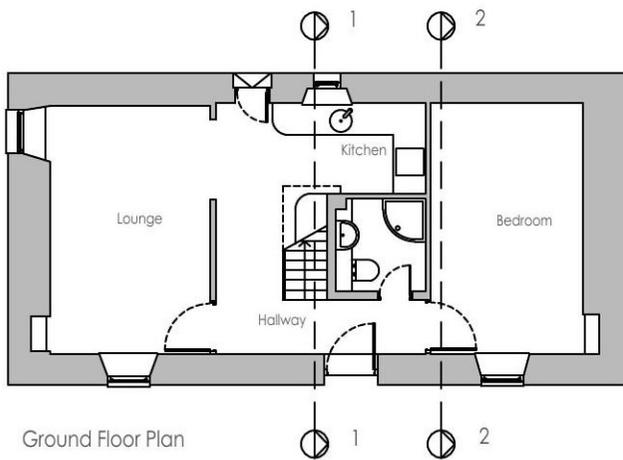




First Floor Plan



Rear Elevation (North East)



Ground Floor Plan

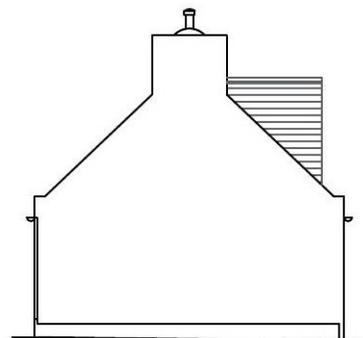


Front Elevation (South West)

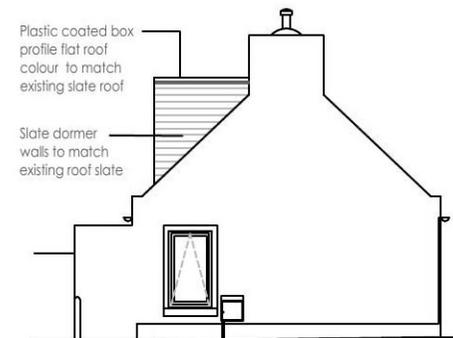


Section 1-1

Section 2-2



Side Elevation (South East)



Side Elevation (North West)

Notes
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All dimensions are to be verified prior to construction



Aberdeenshire
COUNCIL  Infrastructure Services

Application No: **APP/2019/0482**

REFUSED

In terms of the decision dated

13/05/2019

Flora C. Gray

Revision History

Project
Jade Cottage
16 High Shore
Macduff
AB44 1SL

Drawing Name
Proposed Plan, Elevations and Sections

Drawing Status
Planning Submission

Modified By: KC Date: 13/03/2019

Drawing Scale
1:100

Drawing ID: 030-02 Revision: 2

INSPERATA ARCHITECTURE

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Dear Lynne Towns,

Your planning consultation entitled [16 High Shore Macduff Aberdeenshire AB44 1SL](#) for Planning Application Reference APP/2019/0482 on Ward Pages has closed, your proposal for this application to be determined by officers using delegated powers has been Accepted. Full results are shown below:

Councillor	Response	Comments	Interest Declared
Cllr. Mark Findlater	Agree Officer Delegation		● No Interest Declared
Cllr. Ross Cassie	Refer to Committee	Further examine the proposal against policy P3 infill and the reasons given for refusal within that same policy.	● No Interest Declared
Cllr. Hamish Partridge	No Response		● No Response

Please do not reply to this email - you can see full details of responses to this consultation on [Ward Pages](#).