

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 13 October 2014. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Crockett and Lawrence.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MI d=2952&Ver=4>

REVIEWS

SITE AT 10 STONEYHILL TERRACE, COVE BAY - PROPOSED REPLACEMENT WINDOWS - P140452

1. The Local Review Body met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application (P140452) for planning permission for the replacement of windows at 10 Stoneyhill Terrace, Cove Bay, Aberdeen.

Councillor Milne, as Chairperson, opened the meeting with a brief outline of the business to be undertaken and a welcome to those present. The Chairperson indicated that the Local Review Body would be addressed by the Assistant Clerk, Mr Allan, as regards the procedure to be followed and also, thereafter, by the Senior Planner, Mr Williamson, who would be acting as the Planning Adviser to the Body in the cases under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the applications under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed applications.

The Local Review Body was then addressed by the Assistant Clerk as regards the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to certain more general aspects relating to the procedure.

The Planning Adviser was then heard when he advised that the decision which was the subject of the review was for the replacement of all the windows on the front and rear elevation at 10 Stoneyhill Terrace, Cove Bay, Aberdeen. Mr Williamson addressed the Body and explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Mr Williamson explained that the applicant asks that further procedures take place, being: a site visit, and the assessment of the review documents. However it is for members of the LRB to determine the requirement for further procedures, including: site inspection(s) and hearing session(s), if they deem them necessary.

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Any further procedures will require that the case is deferred to allow due process to take place, relative to such necessary procedures.

Brief description of applicationBackground and Existing Situation

The appeal relates to the refusal of planning permission for replacement windows at the existing one and a half storey property which lies within the Cove Bay Conservation Area. The house lies to the south side of Stoneyhill Terrace, at the edge of the built up area.

As outlined on pages 6 and 7 of the LRB papers, the application was refused on the grounds that the proposal would be contrary to Scottish planning Policy, and policy D5 of the Local Development Plan as the proposals would not preserve the character of the Conservation Area, and by nature of their design, mechanism and colour, would be contrary to the Technical Advice Note for Replacement Windows.

Proposals

As outlined on page 3 of the LRB papers, the 3 no. existing windows towards Stoneyhill Terrace are timber sash and case painted white. To the rear, towards the garden, are 5 UPVC windows, coloured brown.

The application sought to replace all of the existing windows to front and back with new rosewood UPVC windows of either casement or tilt and turn style.

Matters raised in the Notice of Review statement included:

- Consideration should be given to the types of property making up Stoneyhill Terrace and the surrounding area;
- The design of the existing building is not sympathetic to the Conservation Area;
- There is a significant variety of window types, design, and materials within the area already, and there is therefore no uniformity;
- The proposed windows shall match the colour of the existing front door;
- The opening methods shall match other windows in the area;
- The design incorporates a mimicked Georgian astragal to the front;
- The request of the planning officer for true astragals through the window is unfair;
- Acknowledge the departure from planning policy and associated guidance, but feel the policy should have been over-ruled given the aforementioned circumstances.

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Relevant considerations

All the following documents were accessible via web links, as set out in the LRB papers.

Scottish Planning Policy (SPP)

Conservation areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

Historic Scotland - Scottish Historic Environment Policy (SHEP)

Pages 14, and 15 outline the background to the protection and management of the Historic Environment, while page 36 contains guidance in respect of proposals within Conservation Areas. The emphasis is on Planning Authorities paying special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

Aberdeen City and Shire Strategic Development Plan

Has limited relevance, to this proposal, other than setting high level priorities in relation to the quality of the environment and making sure new development maintains and improves the regions important built, natural and cultural assets.

Development Plan – Aberdeen Local Development Plan (2012)

Policy H1 (Residential Areas) sets the criteria for new development in that it should not constitute over-development, and does not have an unacceptable impact on the character and amenity of the area. In this instance, the replacement of windows would have a limited impact from this policy perspective.

Policy D5 (Built Heritage) proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish planning Policy.

There were no registered comments from consultees within the Report of Handling. However inspection of the file confirms receipt of a comment from the Cove and Altens Community Council which stated any alterations should be in keeping with the Conservation Area.

Other Matters

None.

ACC Case

The stance of the City Council is set out through the Report of Handling.

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Applicant's Case

Is as mentioned above and as referred to in Agenda item 2.3 on pages 145 to 156.

Conclusion

Overall the appeal statement acknowledges the proposals represent a departure from the Guidance and Technical Advice note, although requests that consideration be given to the lack of uniformity in building styles, window materials and design etc within the area.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review.

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure and agreed that a site visit was not required.

Councillor Lawrence expressed the view that the Cove Bay Conservation Area had been diluted in recent years and that residents had concerns over the application which could dilute the Conservation Area further and therefore he agreed with the officers that the application be refused.

Councillor Crockett agreed that there had been a lot of movements from standards required in the Conservation Area and acknowledged that residents were keen to reserve the status. He expressed the view that the officer's original determination to refuse the application be agreed.

The Chairperson expressed the view that the Conservation Area had been diluted and that it was important to retain the traditional character of the area. He therefore concurred with the officer's decision to refuse the application. The Chairperson further stated that the applicant had been notified of the possibility of using UPVC material which local residents had suggested they would be happier with and that this was an option for the applicant to consider in any future application.

Members therefore unanimously agreed with the reasons which had been given by the case officer for refusal, and reaffirmed the planning authority's decision to refuse planning permission.

In coming to their decision, the Local Review Body had regard to the provisions of the Development Plan as required by Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) which required that where, in making any determination under the planning acts, regard was to be had to the provisions of the development plan and that determination should be made in accordance with the plan, so far as material to the application, unless material considerations indicated otherwise.

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More specifically, the reasons in which the Local Review Body based this decision were as follows:-

- (1) The proposal is contrary to both the Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012 as the replacement windows do not preserve the character of the Cove Bay Conservation Area. The design, opening mechanism and colour are inappropriate and contrary to the guidance contained in supplementary guidance TAN - The Repair and replacement of Windows and Doors; and
- (2) Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the Conservation Area.

111 MALCOLM ROAD, PETERCULTER - P131351

2. The Local Review Body then considered the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse planning permission for the erection of a garage, with ancillary accommodation at upper level at 111 Malcolm Road, Peterculter (P131381).

Councillor Milne, as Chairperson, advised that the Local Review Body would be addressed by Mr Paul Williamson, who would be acting as the Planning Adviser to the Body in the case under consideration this day.

The Chairperson stated that although the Planning Adviser was employed by the planning authority he had not been involved in any way with the consideration or determination of the application under review and was present to provide factual information and guidance to the Body only. He emphasised that the officer would not be asked to express any view on the proposed application.

The Planning Adviser explained that the decision which was the subject of the review was for the erection of a garage, with ancillary accommodation at upper level at 111 Malcolm Road, Peterculter (P131381). Mr Williamson addressed the Body and explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Mr Williamson explained that the applicant asked that further procedures take place, these being: holding one or more hearing sessions. However Mr Williamson explained that it was for members to determine the requirement for further procedures, including: site inspection(s) and hearing session(s), if they deem them necessary.

Mr Williamson explained that the refused application related to the erection of a double garage with ancillary accommodation towards the north west corner of the site, on the site of an existing monopitch garage bothy building which was constructed with granite rubble, some rendered walls, and a slate roof. He further explained that the house was

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set back approximately 50 metres from Malcolm Road, on the access road to Crombie Park, the home of Culter Football Club.

Mr Williamson advised that the application sought to demolish the existing garage of approximately 49 square metres, and replace it with a double garage, with further ancillary accommodation above. The ground floor would comprise two single garages, a gym, shower room, and stairs leading to the first floor which would comprise a snooker room, pantry bar, and an entertainment space. The proposed footprint would be approximately 98.6 square metres. The new building would be 6.5 metres to the highest roof ridge level, and 5.6 metres to the adjoining wing projecting eastwards. Proposed materials included granite quoins to the corners, a granite eastern facing gable, brown roughcast to the remaining walls to match the dwellinghouse, a slated roof, and timber barge boards.

He explained that there appeared to have been considerable dialogue between the planning officer and the agent as part of the process. The plans were revised as part of the application process, in that the scale and design of the proposal were reduced.

Mr Williamson outlined the relevant considerations relating to the application as follows:

Development Plan – Aberdeen Local Development Plan (2012)

Policy D1 (Architecture and Placemaking) outlines that to ensure high standards of design, new development must be designed with due consideration for its context, and make a positive contribution to its setting.

He explained that the Report of Handling outlined that the Supplementary Guidance relating to Householder Developments was also relevant in this instance. However the most relevant parts relating to domestic garages stated that they should not overwhelm or dominate the original form or appearance of the dwellinghouse. It also outlined that proposals should be architecturally compatible with the design and scale of the original house and the surrounding area.

Mr Williamson explained that the City Council have outlined why they considered elements of the design and scale to be inappropriate, and have cross referred to Policy and Supplementary Guidance.

Mr Williamson explained that the appellant considers that the changing stance of the planning authority with regard to the likely recommendation, and the time taken was unacceptable. They considered that the proposal has been designed with due consideration for its context, with the scale, design and materials being appropriate after lengthy discussion.

At this point, the Local Review Body considered whether they had sufficient information before them to proceed to determine the review.

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The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure and agreed that a site visit was not required.

The Local Review Body then proceeded to ask detailed questions of Mr Williamson.

Councillor Lawrence expressed the view that the height of the development had been reduced from the original proposal and the applicant would have difficulty lowering it any further. He was of the opinion that the application be approved and that suitable conditions be attached to ensure that the development was ancillary to the main building and could not be sold separately.

Councillor Crockett expressed his views that he was concerned about the scale and domineering appearance of the development and that he supported the reasons why the application had been refused.

The Chairperson expressed his views that the application represented over development of the site and that he has concerns regarding the scale of the proposal. He also agreed with the reasons for refusal as detailed in the report.

Therefore by a majority decision the Local Review Body agreed 2 Members to 1 that the application be refused (as detailed in the original report of handling).

In coming to their decision, the Local Review Body had regard to the provisions of the development plan as required by Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application. More specifically, the reasons on which the Local Review Body based this decision are as follows:-

The proposed garage and ancillary accommodation was considered inappropriate as it did not reflect domestic scale. The design, scale, massing, domineering appearance and materials would be detrimental to the visual character and residential amenity of the original property and the surrounding area and was therefore contrary to the Aberdeen Local Development Plan 2012, Policy D1 (Architecture and Placemaking) and with the general principles contained in the Householder Development Guide.

- RAMSAY MILNE, Chairperson