

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 1 June 2015. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Donnelly and Jean Morrison MBE.

**The agenda and reports associated with this minute can be found at:-**  
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MIId=3928&Ver=4>

### **REVIEWS**

#### **19-25 INVERURIE ROAD - 150240**

1. The Local Review Body of Aberdeen City Council met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse two requests for planning permission.

Councillor Milne, as Chairperson, gave a brief outline of the business to be undertaken. He indicated that the Local Review Body would be addressed by the Assistant Clerk, Mr Mark Masson, as regards the procedure to be followed and also, thereafter, by Mr Tommy Hart, 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 Local Review Body was then addressed by Mr Masson 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.

Mr Hart explained that the application which was the subject of the review was for the change of use from office accommodation at ground floor level within 19/21 Inverurie Road to form a 1 bed flatted property and the change of use from office accommodation at 1<sup>st</sup> floor level within 23/25 Inverurie Road to form a 2 bed flatted property. The erection of a 1<sup>st</sup> floor extension to the previously approved single storey rear extension at 19/21 Inverurie Road, to provide additional floorspace to the two 1<sup>st</sup> floor flatted properties. The proposal would include opening up the existing ground floor window to the front of the property and introduce a new door opening and window layout (Planning Reference 150240). Mr Hart advised that these properties formed part of the City Council's Bucksburn office.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

1 June 2015

Mr Hart advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes.

In relation to documents which the members of the Local Review Body should consider, Mr Williamson outlined that all of the following documents were accessible via web links and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); D1 (Architecture and Placemaking) – new development must be designed with due consideration for its context and make a positive contribution to its setting; D2 (Design and Amenity) – in order to ensure the provision of appropriate levels of amenity, the following principles would be applied:- (a) privacy shall be designed into higher density housing; (b) residential development shall have a public face to a street and a private face to an enclosed garden or street; (c) all residents shall have access to sitting-out areas; and (d) individual flats or houses shall be designed to make the most of opportunities offered by the site for views and sunlight; H1 (Residential Areas) – in principle, residential development would be acceptable in residential areas if :- (a) it did not constitute over development; (b) it did not have an unacceptable impact on the character or amenity of the surrounding area; and (c) it complies with Supplementary Guidance on House Extensions (Householder Development); T2 (Managing the Transport Impact of Development) – New developments should demonstrate that sufficient measures have been taken to minimise traffic generation; and RT3 (Town, District and Neighbourhood Centres) – Relates primarily to proposals for changes of use from retail to other uses.

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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.

In relation to the proposed Aberdeen Local Development Plan, the following policies substantively reiterate policies in the adopted plan:- Policy NC6 – Town, District, Neighbourhood and Commercial Centres (RT3), Residential Areas (H1), Quality Placemaking by Design (D1) and Managing the Transport Impact Development (T2).

Mr Hart added that the Supplementary Guidance on Householder Development and Harmony of Uses were also a relevant consideration.

In relation to consultations, Mr Hart explained that no comments had been received from statutory consultees, and no letters of objection or support had been received.

Mr Hart advised that the stated reason for refusal was as follows:-

That the proposal was deemed acceptable in terms of Policy RT3 (Town, District and Neighbourhood Centres) and Policy T2 (Managing Transport Impact of Development). However, if approved, the proposed development would be

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

1 June 2015

contrary to Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of Aberdeen Local Development Plan, in addition to the supplementary guidance on Householder Development, due to the inappropriate design of the extension and its resulting relationship with the neighbouring building; the overly dominant scale of development proposed; and the resulting adverse impact of such development on existing residential amenity.

Members then asked a number of questions of Mr Hart.

At this point, the Local Review Body considered whether it had sufficient information before it to determine the review. Members thereupon agreed that the review under consideration be determined without further procedure.

Following discussion of the application, Members unanimously agreed that the proposal was contrary to Policy D1 and D2 of the Aberdeen Local Development Plan. The Local Review Body therefore unanimously agreed to **uphold** the decision of the appointed officer and **refuse** the application.

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.

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

That the proposal was deemed acceptable in terms of Policy RT3 (Town, District and Neighbourhood Centres) and Policy T2 (Managing Transport Impact of Development). However, if approved, the proposed development would be contrary to Policy D1 (Architecture and Placemaking) and Policy D2 (Design and Amenity) of Aberdeen Local Development Plan, in addition to the supplementary guidance on Householder Development, due to the inappropriate design of the extension and its resulting relationship with the neighbouring building; the overly dominant scale of development proposed; and the resulting adverse impact of such development on existing residential amenity.

### **37 CARLTON PLACE - 150126**

2. The Local Review Body then considered the second request for a review. The Chairperson advised that the LRB would now be addressed by Mr Gavin Evans and reminded members that Mr Evans 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. Mr Evans would not be asked to express any view on the proposed application.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

1 June 2015

Mr Evans explained that the application which was the subject of the review was for the formation of roof lights to front elevation, and formation of dormer window to rear elevation of 37 Carlton Place. Mr Evans explained that he had checked the submitted Notice of Review and found it to be valid and submitted within the relevant timeframes.

Mr Evans explained that the site related to a traditional two storey, terraced granite dwelling located within the Albyn Place/Rubislaw Conservation Area. The surrounding area was characterised by residential dwellings of a similar design. The application property contains uPVC tilt and turn windows. The roof space as viewed from the rear lane at the 'odd' numbered side of Carlton Place was characterised by traditional piended style dormer windows and undeveloped shallow pitched roof.

Mr Evans explained that planning permission was sought for the installation of two conservation style roof lights to the front elevation and the formation of a flatted roofed dormer window to the rear elevation. The conservation roof lights each measure 98cm in length by 55cm in width. An initial dormer window design measured 7m in length and 2m in height with glazed windows positioned at each end and a slanted solid panel finished with natural slate tiles connecting them. This was since amended to measure 5.85m in length by 1.85m in height with windows located at each end and a slanted solid panel between them. The uPVC windows located at first floor level on the rear elevation and the front bay window would be replaced with traditional timber sash and case windows, painted white.

In relation to documents which the members of the Body should consider, Mr Evans outlined that all the following documents were accessible via web links, and available as set out in the papers:-

Development Plan – Aberdeen Local Development Plan (2012); H1 (Residential Areas) – in principle, residential development would be acceptable in residential areas if :- (a) it did not constitute over development; (b) it did not have an unacceptable impact on the character or amenity of the surrounding area; and (c) it complies with Supplementary Guidance relating to the Householder Development; and D1 (Architecture and Placemaking) – to ensure high standards of design, new developments must be designed with due consideration for context and make a positive contribution to its setting.

In relation to the proposed Aberdeen Local Development Plan, the following policies substantively reiterate policies in the adopted local development plan:- Residential Areas (H1) and Quality Placemaking by Design (D1).

National Policy and Guidance – Scottish Planning Policy stated that development should have a neutral effect on the character or appearance of a conservation area; and Scottish Historic Environment Policy- advised that development should not adversely affect the special interest and character of Conservation Areas.

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

1 June 2015

Scottish Historic Environment Policy and the Albyn Place / Rubislaw Conservation Area Appraisal were relevant material considerations. Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) 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. Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas.

Mr Evans added that the Supplementary Guidance on Householder Development Guide and Technical Advice Note: The Repair and Replacement of Windows and Doors were also a relevant consideration.

In relation to consultations, Mr Evans explained that no comments had been received from statutory consultees and that no letters of objection or support had been received.

Mr Evans advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes.

Mr Evans advised that the stated reason for refusal of planning permission was as follows:

The dormer has not been designed with due consideration to its traditional context, would not be in keeping with the immediate roof scape and is considered to unacceptably mask the roof ridge and dominate the shallow pitched roof resulting in a negative impact on the Conservation Area. The development is therefore contrary to Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1 Architecture and Placemaking, H1 Residential Areas, Proposed Local Development Plan Policies D1 Quality Placemaking by Design and H1 Residential Areas, Supplementary Guidance: Householder Development Guide and the Technical Advice Note: The Repair and Replacement of Windows and Doors.

The Local Review Body then asked a number of questions of Mr Evans.

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.

The Local Review Body agreed that the decision of the appointed officer to refuse the application be **reversed** and agreed a **willingness to approve** the application, subject to the following conditions:-

that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

1 June 2015

shall not exceed 25 mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation- in order to preserve the character of the conservation area.

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.

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

That the dormer would be designed with due consideration to its traditional context, and would be in keeping with the immediate roof scape and was not considered to unacceptably mask the roof ridge and dominate the shallow pitched roof resulting in a negative impact on the Conservation Area. The development is therefore considered not to be contrary to Scottish Planning Policy, Scottish Historic Environment Policy, Adopted Local Development Plan Policies D1 Architecture and Placemaking, H1 Residential Areas, Proposed Local Development Plan Policies D1 Quality Placemaking by Design and H1 Residential Areas, Supplementary Guidance: Householder Development Guide and the Technical Advice Note: The Repair and Replacement of Windows and Doors.

**RAMSAY MILNE, Chairperson**