

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 14 December 2015. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Cormie and Crockett.

The agenda and reports associated with this minute can be found at:-
<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MId=4086&Ver=4>

1 WOODBURN PLACE - 141844

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 Ms Lucy Greene, 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.

Ms Greene explained that the application which was the subject of the review was to create a 1.5 side storey extension, comprising double garage with bedroom above, on part of the south-most gable. The proposed extension would have a hipped, pitched roof, sit flush with the rear building line and measure c. 8.7m long x 6.3m wide. There would be one dormer window, with hipped pitched roof, on the east elevation and one box dormer window on the west elevation. Two rooflights, both measuring 1400mm x 780mm, would be located on the south elevation of the extension. It was also proposed to create an infill panel between the existing dormer windows on the west elevation, and remove an existing dormer window on the south elevation and build a new, smaller, dormer window with hipped, pitched roof. The materials for the extension and alterations would match the existing property.

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Ms Greene advised that she 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, Ms Greene outlined that all of the following documents were accessible via web links and available as set out in the papers:-

Aberdeen Local Development Plan –

Policy D1 – Architecture and Placemaking - 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. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

Policy H1 – Residential Areas - Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:

1. does not constitute overdevelopment;
2. does not have an unacceptable impact on the character or amenity of the surrounding area; and
3. complies with Supplementary Guidance contained in the Householder Development Guide.

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.

Ms Greene added that the Supplementary Guidance on Householder Development Guide was also a relevant consideration.

In relation to consultations, Ms Greene explained that no comments were received from statutory consultees and there were no letters of objection submitted.

Ms Greene advised that the stated reason for refusal was as follows:-

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide and Proposed Local Development Plan Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) in that the proposal would have a significant detrimental impact on the existing visual and residential amenities of the area by virtue of its elevated nature to

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Woodburn Gardens in addition to its overall size, scale, massing and proximity to the street.

Members then asked a number of questions of Ms Greene.

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, two of the three Members agreed that the proposal was contrary to Policy D1 and H1 of the Local Development Plan. The Local Review Body therefore agreed by majority 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:-

The proposal does not fully comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide and Proposed Local Development Plan Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) in that the proposal would have a significant detrimental impact on the existing visual and residential amenities of the area by virtue of its elevated nature to Woodburn Gardens in addition to its overall size, scale, massing and proximity to the street.

20 SOUTH SQUARE - 151162

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 Andrew Miller and reminded members that Mr Miller 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 Miller would not be asked to express any view on the proposed application.

Mr Miller explained that the application which was the subject of the review was for replacement windows, mullion and fascia board on the rear wall dormers with double glazed PVC sliding sash and case windows with planted on astragals. The dimensions

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of the proposed window and mullion replacements are unclear from the drawings provided. The proposed astragals would be 6mm thick and 17mm wide, planted to the external glazing with a spacer bar in-between. The plans also indicate that the windows would be fitted with trickle vents to the head of the windows.

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

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

National Policy and Guidance

- Scottish Planning Policy
Conservation Areas are areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. Current SHEP policy provides further detail.

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- Policy D5 – Built Heritage
Proposals affecting Conservation Areas or Listed Buildings will only be permitted if they comply with Scottish Planning Policy.
- Policy H1 - Residential Areas
Within existing residential areas (H1 on the Proposals Map) and within new residential developments, proposals for new residential development and householder development will be approved in principle if it:
 1. Does not constitute over development;
 2. Does not have an unacceptable impact on the character or amenity of the surrounding area; and
 3. Complies with the Supplementary Guidance relating to the Householder Development Guide.

Other Relevant Material Considerations

- Scottish Historic Environment Policy (SHEP)
Conservation areas are defined as areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance.
- TAN: The Repair and Replacement of Windows and Doors
The replacement of windows and doors in Conservation Areas which are not identical to the originals require planning permission. For buildings which are

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located within Conservation Areas (but are not Listed Buildings), the Council's preference is for original windows and doors to be repaired and restored wherever possible.

TAN states Sash and case "lookalike" windows, which closely match the detailing and appearance of a traditional sash and case window, but may employ a different opening mechanism, may be acceptable in Conservation Areas. "Lookalike" windows will normally be formed in timber and will have upper and lower sashes of the same size as those in the window they are to replace. White uPVC vertical sliding windows may be acceptable as 'lookalike' replacements for windows in Conservation Areas provided that proposals with through / embedded astragals comply with original dimensions. No planted astragals will be accepted on elevations in Conservation Areas which are visible from public areas. Where uPVC "lookalike" windows are to be used they should fully replicate the significant features of timber sash and case windows.

Where the astragals are merely applied to the surface of, or are sandwiched between, the panes of double glazing will always be refused. Where astragals are required, they must be kept slender to match the thickness of the original astragals, particularly in multiple pane sashes.

Ventilators that cut through the glass or visible on the window frames will not be considered acceptable on Listed Buildings or on public elevations in Conservation Areas. Ventilators, where required, should be located unobtrusively in the meeting rail. Where trickle ventilation is required other more discreet means of achieving this should always be considered.

- 'Windows' guidance note from Historic Scotland's 'Managing Change in the Historic Environment' series
States as a key principle that, where an original window is beyond repair, replacements must match the original window design as closely as possible.

Proposed Aberdeen Local Development Plan 2015

The following policy substantively reiterates such policy in the adopted local development plan as summarised above:

- Policy D4 – Historic Environment
The Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, SHEP, its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.
- Policy H1 - Residential Areas
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1. Does not constitute over development;
2. Does not have an unacceptable impact on the character or amenity of the surrounding area;
3. Does not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
4. Complies with Supplementary Guidance

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

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

1. The proposal is contrary to Scottish Planning Policy, 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 Footdee Conservation Area. The planted astragals and trickle vents are inappropriate and contrary to the guidance contained in Technical Advice Note – The Repair and Replacement of Windows and Doors and Historic Scotland’s guidance - Managing Change in the Historic Environment.
2. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2012 as the proposal would have an adverse impact on the character of the area.
3. Full consideration of the application is hindered due to the following lack of information a) scaled elevations showing mullion details and b) details of trickle vents
4. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.

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

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.

Following discussion of the application, Members unanimously agreed that the proposal was contrary to Scottish Planning Policy, Scottish Historic Environment Policy and Policy D5 of the Aberdeen Local Development Plan 2012. 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

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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:-

1. The proposal is contrary to Scottish Planning Policy, 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 Footdee Conservation Area. The planted astragals and trickle vents are inappropriate and contrary to the guidance contained in Technical Advice Note – The Repair and Replacement of Windows and Doors and Historic Scotland’s guidance - Managing Change in the Historic Environment.
2. The proposal is contrary to Policy H1 of the Aberdeen Local Development Plan 2012 as the proposal would have an adverse impact on the character of the area.
3. Full consideration of the application is hindered due to the following lack of information a) scaled elevations showing mullion details and b) details of trickle vents
4. Approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the traditional character of the conservation area.

- RAMSAY MILNE, Chairperson