

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 21 June 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Cameron and Lawrence.

The agenda and reports associated with this minute can be found at:-

<HTTP://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=4249&VER=4>

27 WATSON STREET - REPLACEMENT GARAGE TO REAR OF PROPERTY - 151934

1. The Local Review Body of Aberdeen City Council met on this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permissions for the proposed replacement garage to the rear of the property at 27 Watson Street Aberdeen, reference number 151934.

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, Mrs Lynsey McBain as regards the procedure to be followed and also ,thereafter, by Mr Robert Forbes 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 Mrs McBain 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.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Jacqui Thain, Planning Technician, dated 22 March 2016; (2) the decision notice dated 29 March 2016; (3) links to the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement; and (6) link to an additional planning policy referred to by the Planning Adviser.

The LRB was then addressed by Ms Greene who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

Mr Robert Forbes advised that the application dwelling was a traditional, mid-terraced property with long and narrow rear garden that backs onto Thomson Street Lane and at

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the far end of the rear garden, at the south-west corner of the plot, there is a single garage that measures approximately 16 square metres, which is constructed of brick with render to two sides, timber doors and slate roof that is in a state of disrepair. Mr Forbes explained that in regards to the proposal, the existing garage would be removed as would the adjacent rubble boundary wall on the lane. The proposed garage would span the width of the plot approximately 7.35m and would measure 7.4m long x 6.65m high to the top of the pitched roof. At ground level there would be a pedestrian access door to the front and rear, a window facing the garden and a vehicle access door onto the lane. At first floor level, there would be one window on each of the lane and garden elevations and two roof lights on the respective roof planes facing both north and south.

In regards to consultee comments, there were no objections to the application.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) the reasons for refusal were on design grounds only and fairly subjective from the Planning Department, and it was noted that there were no neighbour objections or any adverse comments from the statutory consultees, (b) the development would comply with Policies D1 (Architecture & Placemaking) and H1 (Residential Areas) (c) there have been similar developments within the neighbouring properties, (d) it would not impact on the character of the area, (e) the materials would match that of the existing buildings in the area and it would be more in keeping with the design and materials for the Conservation area with slate and dry dash instead of low quality materials, (f) the development is enhancing the Conservation area instead of damaging it which reflects the views of the Scottish Historic Environment Policy and Householder Guide as well as the Aberdeen Local Development Plan and (g) the design was carefully considered so that there would be no overshadowing issues and its positioning would provide the best possible use of space.

The delegated report advised that the stated reason for refusal of planning permission was as follows:-

The planning application is refused due to the proposed garage being detrimental to the character and amenity of the residential area and damaging to the amenity and character of the Rosemount Conservation Area as a result of its excessive scale and massing. The garage conflicts with Aberdeen Local Development Plan Policies D1 (Architecture & Placemaking) and is contrary to the related Householder Development Guide with regard to design and scale. The proposal does not comply with the principles of Historic Scotland's SHEP that seeks to retain the amenity and character of Conservation Areas.

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

The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure. The members of the Local Review Body therefore agreed that a site visit, a hearing session nor further written representations were required, as members felt they had enough information before them.

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Members unanimously reversed the decision of the appointed officer to refuse the application and therefore approved the application unconditionally.

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 in which the Local Review Body based this decision were as follows:-

the Review Body did not feel that the proposed garage would be detrimental to the character and amenity of the residential area and damaging to the amenity and character of the Rosemount Conservation Area as a result of its excessive scale and massing. They also did not feel that the garage would conflict with Aberdeen Local Development Plan Policies H1 (Residential Areas) & D1 (Architecture & Placemaking) and did not feel it was contrary to the Householder Development Guide with regards to the design and scale.

182 AND 184 NORTH DEESIDE ROAD - STRAIGHTEN ROOF HIP, SIDE AND REAR EXTENSION AND DORMER EXTENSION - 160217 AND 160220

2. The Local Review Body then considered the second and third requests for review to straighten the roof hip, side and rear extension and dormer extension at 182 and 184 North Deeside Road Aberdeen. The two applications were considered together as the applications were very similar and were semi detached properties.

The Chairperson advised that the LRB would now be addressed by Ms Lucy Greene and stated that although the Planning Adviser was employed by the planning authority she 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. She emphasised that the officer would not be asked to express any view on the proposed application.

In relation to the application, the Local Review Body had before it (1) two delegated reports by Mr Ross McMahon, Trainee Planner; (2) the decision notices both dated 1 April 2016; (3) plans showing the proposals; (4) links to the planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Ms Greene advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes.

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Ms Greene provided a summary of the applications and advised that the application comprised a traditional semi-detached property of slate and granite construction, set on the boundary of an established residential area forming part of Milltimber. The dwellings sits approximately 32m to the north of North Deeside Road in an elevated position and they both feature a hipped roof, chimney stack, pink granite frontage and projecting front gable with a bay window beneath. The site also lies within a Residential Area as identified in the adopted Aberdeen Local Development Plan 2012.

In regards to consultees and letters of representation, Ms Greene advised that for property 182, two letters of support had been received and one for 184. There were no comments received from statutory consultees.

The Grounds of Appeal Statement which accompanied the Notice of Review advised that (a) they did not feel that the dormer would appear dominant and the prescriptive criteria of the Council's Householder Development Guide had been adhered to, (b) any impact, would be marginal and the design is similar to that of the extended adjacent dwellings, which would result in an enhancement of the street scene in terms of consistency and respect the character and setting of the wider area and (c) the dormer on the front elevation will appear subservient to the main features of the dwelling, retaining the projecting gable, well balanced fenestration and sitting below the ridge height.

The delegated report advised that the stated reasons for refusal for both properties of planning permission 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), H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide, in that the proposed front dormer extension would compromise existing architectural features of the dwelling and additionally would have a significant detrimental impact on the visual character and amenity of the surrounding area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that there are no material planning considerations - including the Proposed Aberdeen Local Development Plan - that are of sufficient weight to warrant approval of the application. Full regard has been given to all matters raised in representations, but neither do they outweigh the policy position as detailed above, nor do they justify approval of the application.

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

The Review Body did not feel that the proposed front dormer extension would compromise the existing architectural features of the dwelling and would not have a significant detrimental impact on the visual character and amenity of the surrounding area.

- **COUNCILLOR RAMSAY MILNE, Convener**

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