

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 10 June 2016. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Jaffrey and Lawrence.

The agenda and reports associated with this minute can be found at:-
<HTTP://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=4263&VER=4>

REVIEWS

BORROWSTONE BOTHY, BORROWSTONE FARM - 160109

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 conversion and extension of existing bothy to create one dwelling at Borrowstone Bothy, Borrowstone Farm (160109).

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 Gavin Evans, 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, 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 Dineke Brasier, Planning Officer, dated 1 March 2016; (2) the decision notice dated 3 March 2016; (3) plans showing the proposal; (4) 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.

Mr Evans advised that the building in question was a small granite bothy, which forms part of the existing Borrowstone Farm. The site was located to the west of the City, mid-way between Kingswells and Westhill, approximately 100m m from the City Boundary. There is a small lean-to style extension adjoining the eastern gable of the building.

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Borrowstone Farm is accessed via a short private road, which connects to a minor road running North/South, giving access to the A944 Aberdeen/Westhill Road (to the south) and the B979 (north) which connects to the A96 beyond.

He indicated that detailed planning permission was sought for the conversion and extension of the existing bothy in order to provide a single dwelling house for residential use. The existing bothy has a footprint of roughly 45sqm, and the proposal involved the addition of an extension that would increase its floor space by a further 90sqm.

Mr Evans referred to the delegated report which advised that external alterations to the existing Bothy would include: the creation of three small windows in the rear elevation and the replacement of an existing door with a window, whilst retaining the door frame. The existing side extension would form part of a low level link, leading to a large, if single storey extension with additional accommodation in the roof space. The extension would have a modern design with white render, a zinc roof and a feature fully glazed rear gable elevation. The site would contain two parking spaces to the side, a courtyard area to the rear of the original bothy and a large rear garden, which follows the existing line of the adjacent field boundaries.

The reasons stated for earlier refusal was as follows:-

“Even though the principle of the conversion of the bothy to a residential dwelling would be considered acceptable, the proposed extension to enable this conversion, due to its scale, massing and design would be significantly larger and not subservient to the scale and massing of the original bothy. The proposal would therefore fail to comply with policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Proposed Local Development Plan and the Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside as it would not respect its setting and context and is considered to have an adverse impact on the character and appearance of the green belt in this location.”

There were no objections from Roads, Environmental Health, Flooding or the Community Council.

In terms of National Scottish Planning Policy, the delegated report advised that Paragraph 52 sets out the types of development that might be appropriate in the Green Belt. These include development associated with agriculture, including the reuse of historic agricultural buildings. Paragraph 214 sets out that the presence or potential presence of a legally protected species is an important consideration in decisions on planning applications.

In terms of the Aberdeen Local Development Plan, the following was noted:-

D1 – 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,

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squares, open space, landscaping and boundary treatments, will be considered in assessing that contribution.

NE2 – Green Belt - No development will be permitted in the green belt for purposes other than those essential for agriculture, woodland and forestry, recreational uses compatible with an agricultural or natural setting, mineral extraction or restoration or landscape renewal.

Mr Evans advised that the following exceptions would apply:-

(A) Buildings in the green belt which have a historic or architectural interest or traditional character that contributes to the landscape setting of the city will be permitted to undergo a change of use to private residential use or to a use which makes a worthwhile contribution to the amenity of the green belt, providing it has been demonstrated that the building is no longer suitable for the purpose for which it was originally designed. (See Supplementary Guidance on The Conversion of Steadings and other Non-residential Vernacular Buildings in the Countryside).

(B) Proposals for extensions of existing buildings as part of a conversion or rehabilitation scheme will be permitted in the green belt provided: a) the original building remains visually dominant; b) the design of the extension is sympathetic to the original building in terms of massing, detailing and materials; and c) the siting of the extension relates well to the setting of the original building.

NE8 - Natural Heritage

Development that, taking into account any proposed mitigation measures, has an adverse effect on a protected species or an area designated because of its natural heritage value will only be permitted where it satisfies the relevant criteria in Scottish Planning Policy.

The delegated report outlined Supplementary Guidance – Householder Development Guide as follows:-

The Conversion of Steadings and Other Non-Residential Vernacular Buildings in the Countryside - Modest extensions will be permitted to allow small steadings to satisfy present day expectations of standards of accommodation. Small extensions may also be permitted to allow more efficient use of existing space in a steading. Large extensions will not be permitted to enable a steading that could comfortably accommodate one or more dwellings, to accommodate a higher number of units.

Conditions may be imposed on any permission granted to ensure that the traditional character of the building is not prejudiced by the exercising of permitted development rights. Extensions should be subservient in scale and massing to the original steading, and should not be so large as to give rise to confusion as to which parts of the building are original and which are recent.

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For most situations where the enlargement of a steading is considered acceptable, the following criteria should be observed:

- The aggregate footprint area of extensions should be less than the original building footprint
- The width and length of any extension should be no greater than those of the original building
- The ridge of any extension should be lower, and certainly no higher, than the ridge of original part of the building, and the roof pitch should not be significantly shallower.

Where it is necessary to choose between extending into a loft space or building an extension, the option of the extension may be preferable where this helps to avoid the construction of dormers, insertion of an excessive number of rooflights, or formation of additional openings in original masonry walls. Care should be taken to not harmfully affect the solid-to-void relationship of the original steading walls.

Mr Evans indicated that alterations and extensions using scrupulously accurate traditional detailing and materials are normally acceptable. However, designs which attempt to replicate the local vernacular, but employ modern building techniques and materials, should be avoided. Often, well executed crisply detailed contemporary interventions formed in good quality materials, which respect the character and scale of the original building, complement the original building to a greater degree than pastiche construction. A minimal number of significant but carefully considered interventions may have a less detrimental effect on the character of the original steading, than a series of smaller but ill-considered alterations or additions.

Mr Evans advised that roof finishes on extensions should generally match existing finishes. Where the extension's walls are masonry it is usually acceptable for them to be harled, but granite matching coursing and masonry finish of the original building is also acceptable. Base courses, stringcourses and decorative opening surrounds do not normally feature in steadings and should normally be avoided in extensions. Over-elaborate details such as stone quoins on corners, in conjunction with a roughcast finish, should also be avoided. The use of timber linings on a timber frame is a traditional form of construction that when carefully designed can sit comfortably against granite rubble masonry found on many common forms of steading.

Supplementary Guidance Bats and Development Supplementary Guidance

Sets out the circumstances where a bat survey will be required, when they can be undertaken, and what they should contain.

With regard to the Proposed Aberdeen Local Development Plan Mr Evans advised that in relation to this particular application, the case officer highlighted that there has been no fundamental shift in policy as relates to this particular proposal, with policies relating to green belt, design, transport and natural heritage largely reiterating existing requirements of the current LDP. On that basis, it was considered that the same conflicts with those policies would apply under the provisions of the Proposed Plan.

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Mr Evans indicated that this size of house is justified by research which indicates rural houses, and particularly those constructed in the early 20th century, are typically larger than those in urban area. However this is not a new-build house in a rural area, nor a traditionally constructed dwelling from an earlier period. It is a traditional outbuilding which is to be converted to form a new dwelling, and any conversion must be considered in terms of the applicable policies of the development plan and associated supplementary guidance. In this case, that involves assessing the design and scale of the extension in relation to the original building. It should not be assumed that a particular footprint can be achieved in all conversion schemes, as the extent to which the building being converted can be extended will vary depending on its size and the particular circumstances of the case.

At this juncture, the Chairperson asked if members were happy to proceed with determining the application. Members felt that they had sufficient information in order to reach a decision and did not require a site visit.

Following discussion of the application, two of the three Members agreed that the proposal was not contrary to Policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan, Policies NE2 (Green Belt) and D1 (Quality Placemaking by Design of the proposed Local Development Plan and the Conversion of Steadings and other Non-Residential Vernacular Buildings in the Countryside. The Local Review Body therefore agreed by majority to **dismiss** the decision of the appointed officer and **grant** the application with the following conditions attached:-

(1) Materials / finishes

No development in connection with the permission hereby approved shall take place unless details of all the materials to be used in the external finishes for the proposed development have been submitted to and approved in writing by the planning authority. The development shall be carried out in full accordance with the approved details.

Reason: In the interests of the appearance of the development and safeguarding the visual amenity of the area.

(2) Drainage

No development in connection with the permission hereby approved shall take place unless the full details of the proposed means of disposal of foul and surface water from the development have been submitted to and approved in writing by the planning authority. Unless otherwise agreed in writing by the planning authority, surface water shall be disposed of via the use of a sustainable urban drainage system and the development shall not be occupied unless the agreed drainage system has been provided in its entirety and maintained thereafter at all times in accordance with the approved scheme.

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Reason: to ensure the provision of an adequate drainage system in the interests of the amenity of the area.

(3) Car Parking

The development hereby approved shall not be occupied unless the proposed car parking areas have been constructed, drained, laid-out and demarcated, all in accordance with drawing no. PL-05 of the plans hereby approved or other such drawing as may be subsequently submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any purpose other than parking of motor vehicles ancillary to the development use being granted approval.

Reason: to ensure sufficient off-street car parking is made available, in accordance with the Council's Transport and Accessibility Supplementary Guidance.

(4) Boundary Enclosures

That no development pursuant to this planning permission shall take place, nor shall any part of the development hereby approved be occupied, unless there has been submitted to and approved in writing by the Planning Authority, a detailed scheme of site and plot boundary enclosures for the entire development hereby granted planning permission. None of the buildings hereby granted planning permission shall be occupied unless the said scheme has been implemented in its entirety - in order to preserve the amenity of the neighbourhood.

(5) Removal of Permitted Development Rights

That notwithstanding the provisions of Article 3 and Schedule 1, Parts 1, 2 and 3 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended) no extensions, alterations or improvements which materially affect the external appearance of the dwellinghouse, nor any means of enclosure shall be erected or carried out either on, or in the curtilage, of the dwelling houses hereby approved without a further grant of planning permission from the planning authority - in the interests of visual amenity.

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.

103B ROSEMOUNT PLACE - 160141

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2. The Local Review Body then considered the second request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for replacement windows at 103B Rosemount Place, Aberdeen (160141).

The Chairperson advised that the LRB would now be addressed by Mr Matthew Easton and 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.

In relation to the application, the Local Review Body had before it (1) a delegated report by Ms Linda Speers, Planning Officer, dated 23 February 2016; (2) the decision notice; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant's agent.

Mr Easton advised that the application refused under delegated powers by officers relates to a proposal for window replacements at a first floor flat within a development dating from the early 1990's which is located within the Rosemount and Westburn Conservation Area.

He indicated that the existing windows have the appearance of timber sash and case with multi-pane upper sashes and traditional astragal detailing but open in the manner of a casement window. Detailed planning permission has been sought to replace these with new rosewood coloured PVC windows which would be casement style with tilt and turn opening mechanism and planted-on astragals.

Mr Easton explained that although the principle of replacing the windows was considered acceptable, due to the uniform appearance of the block the only suitable replacement was considered to be replicas of the existing windows. This option was rejected by the appellants.

Mr Easton advised that the application was therefore refused by officers as it was considered that the replacement window arrangement would impact significantly on the uniform appearance of the windows in the building and therefore fail to preserve or enhance the character of the conservation area. This was considered to be contrary to Scottish Planning Policy, Scottish Historic Environment Policy, Policy D5 of the Aberdeen Local Development Plan and the Council's supplementary guidance on the replacement of windows and doors.

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Mr Easton intimated that in the Notice of Review, the appellants argue that the proposal varies only slightly from what is already in place and that there is already a variety of window styles in the street and that this does not detract from the visual appearance of the area.

Mr Easton advised that relevant considerations were as follows:-

Local Development Plan

Policy H1 - on residential area states that, householder development will be approved in principle if it does not have an unacceptable impact on the character or amenity of the surrounding area.

Policy D5 - on Built Heritage states that development affecting conservation areas will only be permitted if they comply with Scottish Planning Policy.

In turn Scottish Planning Policy says that proposals for development within conservation areas should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance should be treated as preserving its character or appearance.

The Councils Technical Advice Note on windows and doors and Historic Environment Scotland's guidance state that where there is no alternative to the replacement of windows, they should be replaced in an environmentally sensitive way in keeping with the character or the original building and quality of the design.

The conservation area appraisal for Rosemount acknowledges that the uniformity window arrangements within tenements in Rosemount has largely been lost and therefore the replacement of non-traditional windows with sash and case windows is not expected as is the case in other conservation areas. It goes on to say that carefully matching new windows to the most prevalent and appropriate existing windows would enhance a tenement. This would assist in creating a degree of uniformity in terraces thereby preserving and enhancing the character of the area.

Policies within the Proposed Aberdeen Local Development Plan 2015 reiterate Policy D5 and H1 do not introduce any differing considerations.

Finally, Mr Easton indicated that in assessing the proposal it is suggested that the Review Body consider whether the proposed replacement windows enhance, preserve or harm the character of the conservation area by altering the uniform appearance of the window arrangement.

At this juncture, the Chairperson asked if members were happy to proceed with determining the application. Members felt that they had sufficient information in order to reach a decision and did not require a site visit.

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Following discussion of the application, all three Members agreed that (1) the proposal was 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 enhance the character of the Rosemount and Westburn Conservation Area. The proposed window design and detail impacts significantly on the current uniform fenestration 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; and (3) approval of this application would create an undesirable precedent for similar proposals resulting in further erosion of the character of the conservation area. The Local Review Body therefore agreed unanimously 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.

KIMBERLEY, 97 NORTH DEESIDE ROAD - 160097

3. The Local Review Body then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council’s Scheme of Delegation to refuse the request for planning permission for the erection of two storey rear extension, replacement garage, raised platform and driveway to the rear of ‘Kimberley’ 97 North Deeside Road, Aberdeen (160097).

The Chairperson advised that the LRB would now be addressed by Mr Paul Williamson and again 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.

In relation to the application, the Local Review Body had before it (1) a delegated report by Mr Tom Walsh, Planning Officer, dated 31 March 2016; (2) the decision notice; (3) plans showing the proposal; (4) planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant’s agent.

Mr Williamson advised that the submitted Notice of review was found to be valid and submitted within the relevant timeframes.

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Mr Williamson indicated that the appeal related to the refusal of planning permission for the erection of a two storey rear extension, replacement garage, raised platform and driveway at 97 North Deeside Road, Bielside, which was a detached dwelling with two storeys of accommodation, and an existing rear wing. The existing property was of granite construction with a slate roof. It has a floor area of approximately 121 square metres and the overall site area was approximately 610 square metres.

Mr Williamson advised that the proposals sought to erect an extension across the full width of the dwelling, sitting perpendicular to that of the existing roof form. The extension would also be sited on a raised platform to maintain a consistent floor level throughout the living area. The roof would also incorporate projecting eaves, at the southern gable. The floor area of the proposal would be approximately 72 square metres. Materials would include the use of zinc external cladding for side elevations and the roof, with glazing to the south elevation. The decking area would be formed by timber and granite. The proposed garage would be a granite façade towards Marchbank Road, timber cladding to the remaining walls, and a slate roof.

In respect of neighbouring extensions, number 19 to the west has an extension which projects 3m, from the rear boundary. There is no extension at No. 15, which is the end terrace property to the east.

The report advised that the application was refused on the grounds that the proposal fails to comply with Policies D1 and H1 of the Aberdeen Local Development Plan, in addition to the Supplementary Guidance relating to the Householder Development Guide as elements of the proposal relating to scale, massing and prominence have not been designed to respect the scale and form of the existing dwelling and impact on adjoining properties, with a resultant impact on the existing visual and residential amenity of the area.

Mr Williamson made reference to the matters raised in the Notice of Review statement which included:-

- The inclusion of a palette of high quality materials, including re-used granite is appropriate for this proposal and ensures the best possible appearance for the development;
- Contest that the scale is too big or dominant for its surroundings;
- The proposal does not breach the rear building line, nor does it over-shadow any principle elevation of adjoining property;
- The resultant site coverage would remain low at approximately 22.5%
- Reference was made to another application at 5 Golf Road Bielside from 2012 which was approved unconditionally
- Some minor amendments were submitted by the applicant but were not considered by the Planning Officer
- The proposals also incorporate best practice in relation to energy efficiency and maximizing solar gain;
- The proposals will not impact upon public viewpoints or panoramas; and

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- An offer is made to reduce the ridge height by 600mm, however Members must make their assessment on the basis of the plans considered at the time by the Case Officer.

Mr Williamson also referred to relevant considerations including all the following documents which were accessible via web links, as set out in the papers before the Review Body as follows:-

Development Plan – Aberdeen Local Development Plan (2012):
Policy H1 (Residential Areas) and Policy D1 (Architecture and Placemaking); and the
Supplementary Guidance Householder Development Guide

Mr Williamson concluded by intimating that the Local Review Body need to assess the proposal against the policies of the Development Plan, and the other material considerations identified such as the Councils Supplementary Guidance relating to Householder Developments. The principle considerations in this instance, is whether the proposal would have any adverse impact upon neighbouring residential amenity, and the visual amenity of the wider area.

At this juncture, the Chairperson asked if members were happy to proceed with determining the application. Members felt that they had sufficient information in order to reach a decision and did not require a site visit.

Following discussion of the application, all three Members agreed that the proposal did not comply with the relevant policies of the Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas) in addition to the Council's Supplementary Guidance: Householder Development Guide in that elements of the proposal relating to its scale, massing and prominence have not been designed to respect the scale and form of the existing dwelling and impact on adjoining properties. In addition there would be significant detrimental impact on the existing visual and residential amenity of the area. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the application warrants refusal. The Local Review Body therefore agreed unanimously 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.
COUNCILLOR RAMSAY MILNE, Convener

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