

**LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL**

20 April 2017

ABERDEEN, 20 April 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Milne, Chairperson; and Councillors Jean Morrison MBE and Nicoll.

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

**<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=5662&VER=4>**

**100 FOUNTAINHALL ROAD - PROPOSED SINGLE STOREY EXTENSION, AND REPLACEMENT WINDOW TO REAR OF DWELLING HOUSE - 160501**

1. The Local Review Body (LRB) 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 permission for the proposed single storey extension and replacement window to rear of dwelling house at 100 Fountainhall Road, Aberdeen, Planning Reference 160501.

Councillor Milne as Chairperson gave a brief outline of the business to be undertaken. He indicated that the LRB would be addressed by the Assistant Clerk, Mr Mark Masson with regards to the procedure to be followed and also, thereafter, by Mr Andrew Miller 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, Assistant Clerk in regards to the procedure to be followed, at which time reference was made to the procedure note circulated with the papers calling the meeting and to more general aspects relating to the procedure.

In relation to the application, the LRB had before it (1) a delegated report by Ms Sheila Robertson, Planning Technician; (2) the decision notice dated 14 November 2016; (3) copies of the plans showing the proposal; (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.

The LRB was then addressed by Mr Miller who advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes. He also indicated that the appellant had requested that the LRB undertake a site inspection and assess the information submitted as part of the appeal.

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Mr Miller advised that the site was located at the northern end of Fountainhall Road, close to its junction with King's Gate and comprises a semi-detached 2.5 storey traditional granite villa and is located within the Albyn Place and Rubislaw Conservation Area. He explained that detailed Planning Permission was sought for the proposed development and subsequently refused by officers under delegated powers. The existing single storey rear wing would be demolished and a new extension would be provided in place of the current rear wing and would protrude some 8.4 metres from the rear wall of the house (with current rear wing removed). This would protrude about 3.65 metres beyond the current rear wing. There would be a protruding gable feature door on the north elevation. It would have a mono pitched roof and would be finished in rendered walls, granite walls to the north elevation. The roof would be finished in slate to match the existing house whilst windows and doors would be white PVCu.

Mr Miller advised that there were no representations received from neighbours, although there were comments received from the Planning's Conservation Team expressing concerns regarding the proposed design.

Mr Miller made reference to the Notice of Review and indicated that the appellants had indicated that the decision was inconsistent with others in the conservation area and that the extension would have less of an impact on the conservation area compared to recently approved builds.

Mr Miller also made reference to the relevant planning considerations, specifically relating to the Local Development Plan 2017, Interim Planning Advice – Householder Development Guide relating to guidance on Rear extension to semi-detached dwellings and The Replacement of Windows and Doors. He advised that in assessing this proposal the LRB should consider whether the design and massing of the extension is acceptable, with reference to policies H1 and D1, as well as associated Supplementary Guidance (Currently Interim Planning Advice). If the extension would preserve or enhance the character of the Conservation Area, paying regard to Scottish Planning Policy, HESPS and policy D4 of the ALDP and are there any other material considerations that would lend support to the application or point towards refusal.

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

The proposal fails to comply with the relevant policies of Aberdeen Local Development Plan 2012, namely Policies D1 (Architecture and Placemaking) and H1 (Residential Areas), the Council's Supplementary Guidance: Householder Development Guide and with the relevant corresponding policies in the Proposed Aberdeen Local Plan, in that the proposed design respects neither the character and architecture of the existing dwelling house nor of the surrounding area. Approval of the application would be detrimental to and thus neither preserve nor enhance the character of Conservation Area 4 (Albyn Place/ Rubislaw) contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement and thereby with Policy D5 of the Aberdeen Local Development Plan. On the basis of the

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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 would warrant approval of the application.

The Local Review Body then asked a number of questions of Mr Miller, specifically regarding the materials being used for the extension, the location of the conservation area, whether similar extensions have been built in the area and views from Beechgrove Terrace.

The members of the Local Review Body agreed that there was no requirement for a site visit, a hearing session, or further written representations, as they felt they had enough information before them. The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure.

Members did not feel that the proposed design of the extension and window replacement would be out of character with the existing dwelling house or the surrounding area.

**Members unanimously agreed that the decision of the appointed officer to refuse the application be reversed and that the application be approved subject to the following condition:-**

**CONDITION**

That no development shall commence unless a sample of the proposed external finishes (walls, door and window frames and roofing) of the development hereby granted is submitted and approved by the Council (as planning authority). Thereafter, the development shall be completed in accordance with the details agreed.

Reason – in order to ensure the development is finished in materials suitable for its context, in the interests of the character of the surrounding 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.

**2 COLSEA ROAD - REPLACEMENT WINDOWS AND DOOR WITH EXTERNAL ALTERATIONS TO DOOR OPENING - 161506**

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 the proposed replacement

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windows and doors and door with external alterations to door opening at 2 Colsea Road, Aberdeen, Planning Reference 161506.

The Chairperson advised that the LRB would now be addressed by Mr Kristian Smith 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 Karla Mann, Planning Technician; (2) the decision notice dated 21 December 2016; (3) plans showing the proposal; (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.

Mr. Smith advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes. He also indicated that the appellant had requested that the LRB undertake a site inspection.

Mr. Smith provided a description of the application and advised that the application related to proposed replacement windows and a door within a single storey traditionally styled cottage, with rear extension. He indicated that the property sits within a street of traditional cottage properties and the surrounding properties were listed and located within a conservation area. He explained that the existing windows were of timber casement style, coloured brown and the front door was also of timber construction. He advised that it was proposed to replace the timber framed windows and door in the front elevation with uPVC framed windows and the front door with a composite material door, within a uPVC frame. The windows and the door were also to be replaced in the rear extension. He indicated that it would appear that the current timber windows were fitted in 2002, with the benefit of planning permission.

In terms of representations, Mr. Smith advised that Cove and Altens Community Council commented that they expect that the proposals to be in keeping with the location within a Conservation Area, without elaborating as to what they expected. Thus the refusal did not require to be presented to Committee, given it was the officer's view that the proposals were not in keeping, thus in alignment with the Community Council's comments.

Mr. Smith outlined the relevant considerations in relation to Scottish Planning Policy, the Aberdeen City and Shire Structure Plan and Aberdeen Local Development Plan and advised that at the time of the delegated decision it was the 2012 Local Development Plan which was in place, and the prime consideration. He explained that since that time the 2017 Plan has come into effect, although it was advised that there are minimal differences between the two plans when it comes to the consideration of this case.

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Mr. Smith then referred to the Decision Notice and advised that the application was refused and stated that the proposed changes to the rear extension would be acceptable as these would not materially affect the character of the Conservation Area, however the proposed changes to the public elevation, by way of introducing PVCu and a composite front door would not comply with Local Development Plan Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (residential Areas) nor would it comply with the Technical Advice Note created by Aberdeen City Council or guidance set by Historic Environment Scotland, as these changes would significantly affect the character of the Conservation Area and the residential and visual amenity of the street.

Mr Smith then referred to the matters raised in the Notice of Review statement which advised that the decision could have been split to approve the works to the rear extension, as they were acceptable, and refuse the works to the front. In regards to the front, it was felt by the appellant that as there were other examples of pVCU in Colsea Road and some surrounding streets, there was precedence and a few more would not diminish the character of the Conservation Area.

The Local Review Body then asked a number of questions of Mr Smith, specifically relating to the type of windows and whether the officer had discussed this with the appellant.

The members of the Local Review Body agreed that there was no requirement for a site visit, a hearing session, or further written representations, as they felt they had enough information before them. The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure.

**Members unanimously upheld the decision of the appointed officer to 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 in which the Local Review Body based this decision were as follows:-

The proposed changes to the rear extension would be acceptable as these would not materially affect the character of the Conservation Area, however the proposed changes to the public elevation, by way of introducing PVCu and a composite front door would not comply with Local Development Plan Policies D1 (Architecture and Placemaking), D5 (Built Heritage) and H1 (residential Areas) nor would it comply with the Technical Advice Note created by Aberdeen City Council or guidance set by Historic Environment Scotland, as these changes

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would significantly affect the character of the Conservation Area and the residential and visual amenity of the street.

**SITE ADJACENT TO THE HAUGHS, CLINTERTY - CHANGE OF USE FROM AGRICULTURAL LAND TO DOMESTIC AND ERECTION OF 1.5 STOREY DWELLING WITH DOUBLE GARAGE - 161572**

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 proposed change of use from agricultural land to domestic and erection of 1.5 storey dwelling with double garage at a site adjacent to The Haughs, Clinterty, Planning Reference 161572.

The Chairperson advised that the LRB would now be addressed by Mr Gavin Clark 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 Dineke Brasier, Planner; (2) the decision notice dated 20 December 2016; (3) plans showing the proposal; (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.

Mr. Clark advised that the submitted Notice of Review was found to be valid and submitted within the relevant timeframes. He also indicated that the appellant had indicated that the review could proceed to conclusion based on a review of the relevant information without any further procedures.

Mr Clark advised that the appeal relates to the refusal of planning permission for the change of use from agricultural land to domestic and erection of 1.5 storey dwelling with double garage. The site is located within an agricultural field some 500m to the North West of the Tyrebagger to Westhill Road and can be accessed via both the B979 and A96. To the south is a group of three dwellings and a distance to the west are the associated agricultural buildings. 100m to the north is the campus of NE Scotland College and to the east is the exiting farm complex at Meikle Clinterty

Mr Clark referred to the Notice of Review and applicant's agent accompanying statement which indicated that the dwelling was essential for agricultural purposes for the following reasons:

Principle

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- using cropping and livestock data, a labour requirement of 2.31 had been calculated; with only one dwelling on site there is scope for a second dwelling on site;
- a large proportion of the man hours were required for growing crops. According to the report of handling – however 3150 man hours were required for livestock, against 1231.13 for crop production; and
- almost 200 cattle would be housed at Clinterty, which accounts for 1800 man hours and 1 labour unit therefore it would appear sensible to have a dwelling here, where the majority of cattle were located – the cattle would be housed inside for more than 6 months of the year, and would also still require daily checks when outside.

### Location

- the location would allow for the potential future development of the farm steading – primarily farm buildings due to the extended business. Due to the existing access, the only available site would be to the east and therefore this is why this area needs to remain clear;
- another site closer to the farm was deemed inappropriate due to the siting of an old dam; and would also not relate to surrounding buildings. The site proposed related to the cluster of dwellings to the south. Due to the linear nature of the current buildings, the natural development would be to continue this to the north. The footprint of the dwelling would also match those in the area;
- the report of handling also mentioned commuting from Blackburn. The agent had highlighted reasons why this would not be the case; the site is within walking distance of the farm steading; Blackburn is 2 miles away and this site would therefore be more sustainable. The farm buildings no longer have a “bothy” on site – therefore any paperwork needs to be done in the existing house – this would not be feasible from Blackburn; and
- a house off-side could have an adverse impact on cattle. By not having the house nearby to cattle, this would have impacts on theirs and humans welfare.

For the above reasons, they believe a farm workers house at the Haughs, Clinterty was essential for the safe and efficient operation of the farming enterprise and in particular with reference to the cattle which are housed at Clinterty for much of the year. For the business having a house and worker near to the cattle was very much a necessity as opposed to a luxury.

Mr Clark outlined the principle considerations which were as follows:-

- whether the proposal would be acceptable against green belt policy;
- whether the location of the dwelling house was acceptable, and all other alternative sites had been assessed;
- whether the layout, siting and design of the dwelling house was acceptable; and
- would the proposal set an undesirable precedent for development of a similar nature.

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The members of the Local Review Body agreed that there was no requirement for a site visit, a hearing session, or further written representations, as they felt they had enough information before them. The Local Review Body thereupon agreed that the review under consideration should be determined without further procedure.

**Members unanimously upheld the decision of the appointed officer to 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 in which the Local Review Body based this decision were as follows:-

1. It was not been proven that the proposed dwelling would be essential for the running of the farm complex at the Haughs of Clinterty, or that the existing farmhouse at Bishopston is insufficient for the agricultural needs of the farm. In that its extent and positioning is respectively excessive and significantly detached from the associated agricultural buildings. The proposal would therefore not comply with the criteria as set out in policy NE2 (Green Belt) of the Aberdeen Local Development Plan and policy NE2 (Green Belt) of the Proposed Local Development Plan as it would undermine the principles of controlling development and preventing the construction of additional unjustified housing in the Green Belt, leading to the erosion of the character and landscape qualities of the surrounding areas.
2. Due to its positioning, scale, design and massing the dwelling and garage are considered to have an adverse impact on the character and appearance of this open field and wider area of the Green Belt, as it would be considered to significantly increase the built-up appearance of this part of the green belt to the detriment of its open character and the landscape setting of the City. The proposal is therefore contrary to policies NE2 (Green Belt) and D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan and policies NE2 (Green Belt) and D1 (Quality Placemaking by Design) of the Proposed Local Development Plan.
3. The proposed location of the dwelling and its associated residential curtilage would not be clearly connected to either the farm buildings to the west or the existing dwellings to the south. It would therefore appear detached and unrelated to any existing dwelling or grouping, and would thus have an unacceptable impact on the character and appearance of the immediate surrounding area, and as such would be contrary to the requirements of policy D1 (Architecture and Placemaking) of the Aberdeen Local Development Plan



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and policy D1 (Quality Placemaking by Design) of the Proposed Local Development Plan.

- **Councillor Ramsay Milne, Chairperson**