

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

26 June 2017

ABERDEEN, 26 June 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton , Chairperson; and Councillors Donnelly and Cooke.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=5795&VER=4>

3 BUNSTANE TERRACE, COVE - ERECTION OF SINGLE STOREY EXTENSION TO REAR - 170100

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 erection of a single storey extension to the rear of the property at 3 Bunstane Terrace, Cove, Aberdeen, Planning Reference 170100.

Councillor Boulton as Chairperson gave a brief outline of the business to be undertaken. She 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 two cases 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. She 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 19 May 2017; (3) copies of the plans and photographs showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) letters of representation; and (6) the Notice of Review submitted by the applicant 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 in question related to a mid-terraced bungalow on Bunstane Terrace in the Cove Bay Conservation Area. The surrounding area was residential and fronts to Bunstane Terrace, sloping up towards Stoneyhill Terrace to the rear. There was once a mono-pitched roof extension to the rear of the house in common with other properties in the area which has recently been demolished and the rear wall of the property has been removed.

Mr Miller indicated that consent for a smaller extension was approved in 2015 (150212) and it could be assumed that the works were implemented. The proposed extension would span the full width of the rear of the house and would project 5.3 metres along the boundaries of the neighbouring houses. Mr Miller pointed out that whilst it stated in the delegated report of handling that this would be 6.6 metres, this was incorrect.

Mr Miller made reference to the Notice of Review submitted by the appellant, in which, it outlined the following:-

- that the changes proposed under this application would improve upon those in the approved plan (150212), and would not respect the character of Bunstane Terrace;
- the incorrect measurements used (6.6 metres projection rather than the correct 5.3 metres);
- that the projection (1.2 metres beyond neighbouring extension) would not result in an adverse impact on neighbouring amenity;
- that numbers 5 and 6 Bunstane Terrace have similar extensions that project much further; and
- that there was general exaggeration of the overall scale and massing of the proposals in the report of handling.

Mr Miller indicated that there were no objections received from neighbours or consultees.

Mr Miller also made reference to the relevant planning considerations, as follows:-

- H1 – Residential Areas
 - Does it constitute overdevelopment?
 - Does it result in an unacceptable impact on residential amenity?
 - Does it result it comply with the Supplementary Guidance?
- Householder Development Guide Supplementary Guidance -
 - Does it comply with the general principles of:
 - appropriate scale, design and massing;
 - having no adverse impact on amenity;
 - being more than twice the footprint of original house; and
 - being no more than 50% rear curtilage covered.
 - Does it comply with the requirements of Terraced dwellings – general rule of 3 metre projection?
- D1 – Quality Placemaking by Design
 - Is it of a high standard of design?
- Cove Bay Character Assessment

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- Weakness and Threats – would it exacerbate these? (Quality of extensions to older properties and continued decline of Conservation Area?)
- Scottish Planning Policy and Historic Environment Scotland Policy Statement – does the proposal either protect and enhance the character or setting of the Conservation Area?

Finally, Mr Miller explained that the LRB should consider if there were any material considerations that should be taken into consideration in the determination, highlighting that whilst works had commenced to the rear of the house, this should not be considered as part of the review.

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 the Aberdeen Local Development Plan 2017, namely Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas), and the Supplementary Guidance contained in the Householder Development Guide in that by reason of its scale, massing, projection and design, the proposal respects neither the character and architecture of the existing dwelling house nor that of the surrounding area and would negatively affect current residential amenity.

Approval of the application would be detrimental to and thus neither preserve nor enhance the character of the Cove Bay Conservation Area, contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan; as well as the aims of the Cove Bay Conservation Area Character Appraisal and Management Plan.

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 that would warrant approval of the application contrary to the provision of the development plan.

The Local Review Body then asked some questions of Mr Miller, specifically regarding the materials being used and the scale and massing of the development.

Members unanimously agreed that the decision of the appointed officer to refuse the application be reversed and that the application be approved 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 of the Town and Country Planning (Scotland) Act 1997 (as amended) and other material considerations in so far as these were pertinent to the determination of the application.

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

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The siting and design of the extension would be compatible with the character of the existing house, as well as the surrounding Cove Bay Conservation Area and thus would accord with the requirements of policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 (ALDP), as well as the Householder Development Guide Supplementary Guidance.

The extension would have a neutral impact on the character of the Cove Bay Conservation Area, in line with the requirements of Scottish Planning Policy and Historic Environment Scotland Policy Statement. Consequently, the proposals comply with policy D4 – Historic Environment of the ALDP.

108 BONNYMUIR PLACE - FORMATION OF TWO STOREY EXTENSION TO FORM THREE NEW ADDITIONAL DWELLINGS TO EXISTING RESIDENCE - 161363

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 formation of a two storey extension to form three new additional dwellings at 108 Bonnymuir Place, Aberdeen, Planning Reference 161363.

The Chairperson advised that the LRB would again be addressed by Mr Andrew Miller and reminded members 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. 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) a delegated report by Ms Sepideh Hajisoltani, Trainee Planner; (2) the decision notice dated 2 March 2017; (3) plans and photographs showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) letters of representation; and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Mr. Miller 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 not requested that the LRB undertake a site inspection.

Mr. Miller advised that the site in question formed a traditional granite built detached house on the corner of Bonnymuir Place with Westburn Road. A Garage to the rear is accessed from a lane to Westburn Road. The property is situated within a residential area comprising generally older granite built dwellings and flats. Mr Miller explained that detailed planning permission was sought for the erection of a two storey extension to the building and a change of use to form 4 flats. Parking for four cars would be provided to the rear of the site accessed from the lane.

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Mr Miller made reference to the Notice of Review submitted by the appellant, in which, it outlined the following:-

- the site coverage in the report was inaccurate (37% rather than 35% as is correct, marginally over the 33% general coverage rule in Supplementary Guidance). Some properties at 50%;
- the flats at Bonnymuir Court have no external amenity;
- that there was economic considerations;
- the house was in neglect; and
- the proposal would provide flats close to hospital and a bus route.

Mr Miller explained that the circumstances of the appellant outlined in page 100 of the agenda were not for the LRB to consider as the information was not a material consideration.

Mr Miller indicated that there were two objections received, which made reference to (1) the impact on trees; (2) the impact on a stone wall boundary to the south of the site (lane); and (3) concerns relating to the gable end wall and the proposed car parking that might create a high risk of collision into the house.

Mr Miller also made reference to the relevant planning considerations, as follows:-

- H1 – Residential Areas
 - Does it constitute overdevelopment?
 - Does it result in an unacceptable impact on residential amenity?
 - Does it result it comply with the Supplementary Guidance?
- Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance
 - Does the proposal follow established pattern of development in surrounding area (plot size, ratio and general character/built form?)
 - What is the impact on the amenity of neighbours (overlooking, overshadowing, loss of light/daylight)?
 - Do the proposals providesufficient suitable external amenity space?
- D1 – Quality Placemaking by Design
 - Are the proposals of a high standard of design?
- NE5 – Trees and Woodland
 - Will there be an adverse impact on trees?

Finally, Mr Miller explained that the LRB should consider if there were any material considerations that should be taken into consideration in the determination.

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.

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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 proposal fails to comply with policy D1 (Quality Placemaking by Design) and Policy H1 (Residential Areas) of Aberdeen Local Development Plan (2017) and the Interim Planning Advice on Sub-Division and Redevelopment of Residential Curtilages. The excessive scale and massing of the extension (in relation to the existing dwelling and also the general built form in the surrounding area) and the proposed garden ground with insufficient amenity for future residents would represent overdevelopment of the site and would result in an unbalanced and visually dominant street frontage.

In terms of impact on trees, it is considered that subject to appropriate protection and mitigation measures the proposal could sufficiently comply with policy NE5 (Trees and Woodlands).

- **Councillor Marie Boulton, Chairperson**