

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 13 December 2017. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Nicoll and Sandy Stuart.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=6045&VER=4>

ERECTION OF 2 STOREY EXTENSION TO THE REAR - 433 GREAT WESTERN ROAD ABERDEEN - 170350

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 2 storey extension to the rear at 433 Great Western Road Aberdeen, 170350/DPP.

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, Mrs Lynsey McBain as regards 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. 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 Mrs McBain, 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 certain 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 11 August 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) consultee comments and (6) 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.

Mr Miller explained that the site subject to the review formed a guest house on the southern side of Great Western Road, to the east of its intersection with Anderson Drive. The building was a 2.5 storey traditional granite built villa with a smaller rear

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wing. The guest house is within the bulk of the original building, whilst the owner's accommodation is in the rear wing which also has a modern PVCu conservatory on the end. Mr Miller advised that it is located within a residential area, as zoned within the Aberdeen Local Development Plan 2017.

Mr Miller indicated that the application sought consent for the demolition of the modern conservatory on the end of the rear wing and the erection of a two storey extension with basement level storage accessed via an external doorway from the garden.

Mr Miller outlined that the request sought the review of the decision of the appointed officer to refuse the application under delegated powers and the stated reasons for refusal were as follows:-

The proposal would be contrary to policies H1 – Residential Areas, and D1 – Quality Placemaking by Design, as well as the Householder Development Supplementary Guidance on the basis that the scale, design and massing of the proposal would not respect the character and architecture of the existing guest house, nor that of the surrounding conservation area. As a result, the proposal was also considered to be contrary to policy D4 – Historic Environment and subsequently Scottish Planning Policy and Historic Environment Scotland Policy Statement.

In regards to consultees and objections, Mr Miller advised that no letters of objection were received.

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

- H1 – Residential Areas: seeks to ensure that all development is suitable for the character and amenity of the surrounding area, as well as general compatibility with residential uses.
- D1 – Quality Placemaking by Design: requires development to be of a high standard of design.
- D4 – Historic Environment: requires all development that impacts on the historic environment to comply with SPP and HESPS.

Householder Supplementary Guidance –whilst not strictly a householder extension, the original use of the building and location within a residential area means elements of this guidance can be used in assessing the suitability of the extension.

In relation to the Notice of Review, the applicant highlighted that (a) a larger extension was granted consent in 2009 which expired in 2014 and there has been no substantive changes to planning policy in the intervening period, (b) this was not taken into consideration in the determination of the application, (c) the application was amended to meet concerns of the Conservation Officer, but this was not sufficient and (d) there was no adverse impact on the residential amenity of neighbouring properties.

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The applicant also intimated that the Householder Supplementary Guidance is of limited relevance given that the application relates to a guesthouse and not a dwellinghouse and they advised that the proposal would preserve the character of the conservation area.

There were no questions for Mr Miller from the Local Review Body.

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.

Mr Miller highlighted that when determining the appeal, members should take into consideration any material considerations they feel would be relevant to the application that would point to either overturning the original decision or dismissing the review.

Members agreed unanimously to overturn the decision of the appointed officer to refuse the application and therefore approve 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 extension was considered to be of a suitable design and scale for the guest house on which it would be attached and would be comparable with scale and form of other extensions in the surrounding area. Accordingly the proposal was considered to comply with Policies H1 – Residential Areas and D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 (ALDP), as well as general guidance contained within the Householder Development Guide Supplementary Guidance.

The proposals were considered to preserve the character of the surrounding Great Western Road Conservation Area and therefore would comply with Scottish Planning Policy, Historic Environment Scotland Policy Statement and subsequently policy D4 – Historic Environment of the ALDP.

CHANGE OF USE OF OPEN SPACE TO GARDEN GROUND AND THE ERECTION OF A DOMESTIC GARAGE WITH ASSOCIATED ACCESS - 513 GREAT NORTHERN ROAD ABERDEEN - 170607

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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 a change of use of open space to garden ground and the erection of a domestic garage with associated access at 513 Great Northern Road Aberdeen, 170607/DPP.

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 LRB had before it (1) a delegated report by Ms Siobhan Wolverson, Planning Technician; (2) the decision notice dated 8 August 2017; (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.

Mr Miller explained that the site subject to the review forms an area of land to the rear of a 1.5 storey traditional granite built property that had been divided into flats. The site is a narrow strip of land measuring 4.5 x 17.8 metres and due to the slop of the land in question it would require excavation up to 2.4 metres in depth.

Mr Miller indicated that the application sought consent for the change of use of the strip of land to garden ground and the erection of a garage with associated driveway within this area of land.

Mr Miller outlined that the request sought the review of the decision of the appointed officer to refuse the application under delegated powers and the stated reasons for refusal were as follows:-

the proposal would lead to the loss of an area of urban green space which would result in negative impacts on the landscape character and amenity of this area. This would affect the setting of the nearby properties (flats), adversely affect the character of the surrounding area and may also obstruct a wildlife corridor. It is also likely to lead to the removal of a relatively established tree and no replacement open space close to this area would be provided of similar or better quality. In addition, it would have a negative impact on general residential amenity through the loss of open space. Therefore, although complying with Supplementary Guidance (Transport and Accessibility) as the proposed garage would exceed the minimum standards in relation to size, the proposal fails to accord with Policies D1 (Quality Placemaking by Design), H1 (Residential Areas), D2 (Landscape), NE3 (Urban Green Space) and NE5 (Trees and Woodland) of the Aberdeen Local Development Plan, in addition to the associated Supplementary Guidance (Householder Development Guide; Green Space Network and Open Space).

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In regards to consultees and objections, Mr Miller advised that no letters of objection were received.

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

- H1 – Residential Areas: seeks to ensure that all development is suitable for the character and amenity of the surrounding area, as well as general compatibility with residential uses.
- D1 – Quality Placemaking by Design: requires development to be of a high standard of design.
- NE3 – Urban Green Space: Planning permission would not normally be granted to redevelop urban green space, though there are exceptions where the following can be met:
 - no loss of landscape character,
 - no loss of valuable green space,
 - no loss of trees, and
 - a requirement for suitable replacement land.
- NE5 – Trees and Woodland: Development should not result in loss of trees that contribute to landscape character.

Transport and Accessibility Supplementary Guidance –garages should have a 5.7 x 2.7 m minimum internal space.

In relation to the Notice of Review, the applicant highlighted that (a) the appointed officer did not clearly explain the negative impacts the proposal would have on the landscape character and amenity of the area, (b) the land has been left in a poor state, (c) there are other garages in area, (d) the land does not form a wildlife corridor and the council maintain it and spray heavy pesticides, (e) there are plenty open space areas in surrounding area of better quality and (f) the proposal would be consistent with all relevant policies in the ALDP and its associated Supplementary Guidance.

There were no questions for Mr Miller from the Local Review Body.

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.

Mr Miller highlighted that when determining the appeal, members should take into consideration any material considerations they feel would be relevant to the application that would point to either overturning the original decision or dismissing the review.

Members agreed unanimously to overturn the decision of the appointed officer to refuse the application and therefore approve 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 area of green space is not considered to be of a quality that would warrant protection given its current state, and its loss would not adversely impact on the character of the surrounding area, nor result in the loss or obstruction of any wildlife corridor. The tree to be removed is of no significance, and its loss would not result in a detrimental landscape impact. In respect of the garage, its scale and design is suitable for the character and amenity of the surrounding area. Accordingly, the proposals are considered to comply with policies D1 - Quality Placemaking by Design, H1 - Residential Areas, D2 - Landscape, NE3 - Urban Green Space and NE5 - Trees and Woodland of the Aberdeen Local Development Plan 2017, as well as associated Supplementary Guidance on Householder Development and Green Space Network and Open Space).

CHANGE OF USE FROM AMENITY GROUND TO FORM DRIVEWAY - 85 ARNAGE DRIVE ABERDEEN - 170664

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 a change of use from amenity ground to form a driveway at 85 Arnage Drive Aberdeen, 170664.

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 LRB had before it (1) a delegated report by Mr Roy Brown, Planning Technician; (2) the decision notice dated 7 August 2017; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) comments from consultees and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement.

Mr Miller explained that the site subject to the review forms an area of amenity space to the front of 85 Arnage Drive and it contains a tree and provides a buffer between the

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public road and pavement. It is located within a residential area as designated in the Aberdeen Local Development Plan 2017.

Mr Miller indicated that the application sought consent for the change of use of the land to form a driveway to access 85 Arnage Drive. The remainder of the proposed works do not require planning permission (those within the curtilage of the house).

Mr Miller outlined that the request sought the review of the decision of the appointed officer to refuse the application under delegated powers and the stated reasons for refusal were as follows:-

the proposed change of use to form a driveway would result in the removal of an established street tree and likely damage to another, which both contribute to local landscape character and amenity. Their loss would adversely affect the character and amenity of the surrounding area. The loss of the soft landscaped amenity land to accommodate a tarred access would be detrimental to the visual amenity of the streetscape. The proposal would set an unwelcome precedent for similar proposals in the surrounding area, which cumulatively would be significantly detrimental to the surrounding area. The design of the driveway would, however, not adversely road safety. The proposal would therefore fail to comply with Policies D1 – Quality Placemaking by Design; D2 – Landscape; NE3 – Urban Green Space; H1 – Residential Areas; and NE5 – Trees and Woodlands of the adopted Aberdeen Local Development Plan; and the Supplementary Guidance: ‘The Householder Development Guide’. While it would accord with road safety guidelines, it would adversely affect the amenity of the surrounding area, and therefore the proposal would not comply with the general aims of ‘Supplementary Guidance’: ‘Transport and Accessibility’.

In relation to the Notice of Review, the applicant highlighted that (a) there would only be the loss of one tree and the adjacent tree would not be adversely impacted, (b) the area of land is relatively small, (c) the land has been left in poor state, (d) there are issues with parking in the surrounding area and (e) there are permitted development rights established for a garage therefore this application should be allowed.

In regards to consultees and objections, Mr Miller advised that no letters of objection were received, however Environmental Services raised concerns in regards to the loss of one tree and the possible damage to the second.

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

- H1 – Residential Areas: seeks to ensure that all development is suitable for the character and amenity of the surrounding area, as well as general compatibility with residential uses.
- D1 – Quality Placemaking by Design: requires development to be of a high standard of design.

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- NE3 – Urban Green Space: Planning permission would not normally be granted to redevelop urban green space, though there are exceptions where the following can be met:
 - no loss of landscape character,
 - no loss of valuable green space,
 - no loss of trees and
 - a requirement for suitable replacement land.
- NE5 – Trees and Woodland: Development should not result in loss of established trees that contribute to landscape character.

Householder Supplementary Guidance – there should be no loss/fragmentation of amenity space.

Transport SG – No loss of amenity or street trees.

Members asked Mr Miller various questions in regards to the application, particularly in regards to the loss of a street tree and the potential damage to the second.

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.

Mr Miller highlighted that when determining the appeal, members should take into consideration any material considerations they feel would be relevant to the application that would point to either overturning the original decision or dismissing the review.

Members agreed unanimously to overturn the decision of the appointed officer to refuse the application and therefore approve 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:-

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The proposed change of use of the land to the front of the house is not considered to result in a precedence, given that there are already a number of similar arrangements in the surrounding area. There would be no loss of amenity or character for the surrounding area, with the proposals comply with the requirements of policies D1 - Quality Placemaking by Design, D2 - Landscape, NE3 - Urban Green Space, H1 - Residential Areas and NE5 - Trees and Woodlands of the Aberdeen Local Development Plan 2017. The proposals are also considered to accord with the requirements of the Householder and Transport and Accessibility Supplementary Guidance documents.

The Local Review Body highlighted their concern at the loss of a street tree and the possible loss of a second. As a result an advisory note was added that requested that the applicant consider the planting of a replacement tree.

- **Councillor Marie Boulton, Chairperson**

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