

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 15 January 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Marie Boulton, Chairperson; and Councillors Cameron and Nicoll.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=6078>

5 RUBISLAW DEN SOUTH - 170444

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 to replace the existing conservatory with a single storey extension and to raise the existing terrace at 5 Rubislaw Den South, Aberdeen, Planning Reference 170444.

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 three 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 15 August 2017; (3) copies of various plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) the application and Notice of Review submitted by the applicant along with an accompanying statement with further information relating to the application.

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 as a further procedure due to site specific circumstances.

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The Chairperson and Councillors Cameron and Nicoll all indicated that they each had enough information before them and therefore agreed that a site visit was not required and that the review under consideration should be determined without further procedure.

Mr Miller advised that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer. He indicated that the site subject to the review formed a semi-detached granite built three storey house, forming part of a category C listed building along with its neighbour (No. 7). The rear of the house had two extensions dating from the 1990s, one to the kitchen with gable end similar to a conservatory whilst the other forms a sunroom.

Mr Miller explained that the application sought consent for the demolition of the kitchen extension on the end of the rear wing and the erection of a pitched roof extension that protruded 9.1 metres from the house. He advised that consent was also sought for the extension of the terraced area by 5 metres which raised it in line with the finished floor level of the extension.

He outlined that the reasons for refusal were that 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 and projection of the extension would result in a negative impact on the external appearance of the property and would detract from the character and the integrity of the listed building. This was on the basis the proposal would extend some 9.1 metres from the rear of the house, far in excess of the 4 metres advocated in the Supplementary Guidance. As a result the proposal was also considered to result in a negative impact on current residential amenity. The proposal was also considered to fail to comply with Scottish Planning Policy, Historic Environment Scotland Policy Statement and policy D4 of the Aberdeen Local Development Plan on the basis the proposed would neither preserve nor enhance the character of the existing dwelling house or the surrounding conservation area.

Mr Miller made reference to the applicant's case as follows:-

- They state it was important to note that the appointed officer agreed with a number of elements of the scheme, noting that it was agreed that there was a small increase in floor area, no overshadowing/loss of daylight, a similar projection would be acceptable and the increase in terrace area was acceptable;
- The neighbouring property had an extension that projected 4 metres along the mutual boundary and this must be taken as the point where consideration of this application starts;
- As a result, the extension would effectively be an extension of 4.25 metres along the mutual boundary, with a 1 metres set back.
- The tone of the delegated report made it sound larger than it actually was;
- The house was C listed rather than B as demonstrated in the delegated report, meaning the house was only important at a local level rather than regional;
- The extension would maximise indoor and outdoor space;

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- Whilst the current extension had a balance and degree of symmetry with that of the sunroom, they were not particularly sympathetic. The proposed extension should be considered on its own merits, being designed to complement the original house;
- The window which was cut across by the extension was minor, was of no particular merit and already overshadowed; and
- There was no adverse impact on residential amenity of neighbouring properties.

Mr Miller advised that an application for Listed Building Consent (170579/LBC) reflecting these works had also been refused. That decision was currently subject to an appeal to Scottish Ministers/DPEA.

Mr Miller indicated that no objections were received from the public or statutory consultees.

Mr Miller made reference to the relevant policy considerations as follows:-

- Scottish Planning Policy and Historic Environment Scotland Policy Statement - both sought to preserve and enhance the character of conservation areas.
- Aberdeen Local Development Plan 2017:-
 - H1 – Residential Areas: sought to ensure that all development was suitable for the character and amenity of the surrounding area, as well as general compatibility with residential uses;
 - D1 – Quality Placemaking by Design: required development to be of a high standard of design; and
 - D4 – Historic Environment: required all development that impacted on the historic environment to comply with SPP and HESPS.
- Householder Supplementary Guidance – contained guidance on rear extensions to semi-detached houses. Generally, these should not project more than 4 metres along the mutual boundary with the attached semi. This measurement would be taken from the rear wall of the original house.

Mr Miller also intimated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in order to make the proposal acceptable. However all conditions must meet the six tests set out by Scottish Government policy.

Mr Miller indicated that if members were minded to overturn the decision then he would advise placing a condition requiring samples of suitable external material finishes of the development.

The Local Review Body then asked questions of Mr Miller, specifically regarding the existing extension, the refusal of the listed building consent, the height and length of the proposed extension, the ratio of the development in terms of the size of the overall feu and the terrace.

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Members agreed unanimously to overturn the decision of the appointed officer and to approve the application with the following condition:-

No development shall commence unless a scheme detailing the external finishes of the extension (including walls, window and door frames, roofing, fascias and rainwater goods) and finishes of the terrace hereby approved shall be submitted to the planning authority for written approval. Thereafter, the scheme shall be implemented in accordance with said scheme.

Reason: In order that suitable material finishes are used in the scheme hereby approved and in the interests of preserving and enhancing the character of the listed building.

In coming to their decision, the Chairperson made reference to the outdated existing extension which required modernisation, that no objections had been received by consultees or those living in neighbouring properties and the scale of the development in terms of the overall feu size. Councillor Cameron also made reference to the submission of the review statement by the agent which outlined that the Planner agreed with a number of elements proposed in the application. Councillor Nicoll also highlighted the issues raised by the aforementioned members of the LRB.

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 were as follows:-

The proposal did not fail 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 and projection, the proposal would not have a negative impact on the external appearance of the property and would not detract from the character and integrity of the listed building. It did respect the character and architecture of the existing dwelling house and that of the surrounding area and would not negatively affect current residential amenity. Approval of the application would not be detrimental to and thus would preserve and enhance the character of the Conservation Area, and the proposal was therefore not contrary to the provisions of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Managing Change in the Historic Environment: Extensions and thereby with Policy D4 (Historic Environment) of the Aberdeen Local Development Plan. On the basis of the above, and following on from the evaluation under policy and guidance, it was considered that there were material planning considerations that would warrant approval of the application.

- **COUNCILLOR MARIE BOULTON, Chairperson**

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