

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 7 June 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor , Chairperson; and Councillors Councillor Donnelly, the Depute Provost and Duncan.

The agenda and reports associated with this agenda can be found at:-
<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MId=6427&Ver=4>

INCHGARTH HOUSE, INCHGARTH ROAD - FORMATION OF NEW ACCESS AND DRIVEWAY WITH GATE, WALL AND PILLARS, ERECTION OF TWO STOREY DETACHED GARAGE AND A SINGLE STOREY STORAGE BUILDING AND ASSOCIATED LANDSCAPING - 170921

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 formation of a new access and driveway with gate, wall and pillars, erection of a two-storey detached garage and a single storey building and associated landscaping at Inchgarth House, Inchgarth Road, Aberdeen, Planning Reference 17092.

Councillor Jennifer Stewart 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 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 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 Sepideh Hajisoltani, Trainee Planner; (2) the decision notice dated 1 February 2018 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) a letter of representation; and (5) the application and Notice of Review submitted by the applicant along with an accompanying statement with further information relating to the application.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

7 June 2018

The LRB was then addressed by Mr Miller who 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 large detached granite-built house set within 1.9 ha wooded grounds. The house was category C listed and lay within the Pitfodells Conservation Area. Whilst it previously comprised one house and two flats, Inchgarth House had been significantly altered, extended and converted back into one house in recent years.

Mr Miller proceeded to show photos and plans of the proposal.

Mr Miller made reference to the proposal indicating that the application sought planning consent for the following works:-

- The formation of a new access and driveway and resultant alterations to the boundary of the house with Inchgarth Road;
- Erection of a two-storey detached garage (four bays);
- Erection of a single storey storage building; and
- Landscaping of the site, including the removal of mature and semi-mature trees.

Mr Miller made outlined the appointed Planning officer's decision, which was as follows:-

1. The proposed access and driveway would detract from the setting of the listed building and the character and amenity conservation area by virtue of its significant detrimental impact on, and loss of, mature trees on the site and its inappropriate impact on, and loss of, a section of the listed boundary wall, The proposed single storey storage building and the garage would have a detrimental impact on the setting of the listed building and the character of the conservation area and, thus, on the character of the green belt due to the inappropriate scale, size and position of the storage building and the inappropriate position of the garage. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan policies NE5 (Trees and Woodland), D5 (Our Granite Heritage), D4 (Historic Environment), D1 (Quality Placemaking by Design) and D2 (Landscape) and the relevant Supplementary Guidance and does not fully accord with Policy NE2 (Green Belt); and
2. There are no material planning considerations that would warrant approval of the application. Approval of the application would prevent full and unhindered reinstatement of trees in this area to allow the trees and woodlands that once contributed to local landscape character and local amenity to be re-established.

Mr Miller summarised the appellant's case as follows:-

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

7 June 2018

- The proposed driveway, boundary and buildings would utilise the same high-quality materials as those used in the consented and implemented works and would be in keeping with the listed building and conservation area;
- The driveway would provide a sweeping entrance fitting for the grandeur of the house and would be at a lower level than the house (by some 3 m);
- Minimal visual impact on surrounding area and from Inchgarth Road;
- The trees on site are in poor condition and do not contribute to landscape value and amenity or nature conservation value;
- Upgrades to the existing entrance would result in greater tree loss than the proposed scheme;
- Road safety implications in terms of poor visibility from existing junction compared to proposed scheme. Roads service identify it as their preferred option; and
- Complies with relevant policies etc. listed in reason for refusal.

Mr Miller advised that there was one objection received which stated that a similar smaller scale proposal for Southfield, Inchgarth Road was refused due to the need to maintain integrity of the boundary wall along Westerton Road and the impact on existing trees and that this case should be no different.

Mr Miller explained that there were no objections from Environmental Health or Roads although officers from Roads noted that activity on site was less intense due to there being fewer residential units and the preferred option in terms of visibility was the proposed new access. Mr Miller advised that the Flooding Team also had no objection, although there were advisory notes on the use of permeable surfacing and rain water harvesting.

Mr Miller made reference to the relevant planning history of the site and outlined policy considerations as follows:-

- NE2 – Green Belt: Creates a presumption against development though there are exceptions. Development associated with existing activities in the green belt will be permitted if:-
 - It is within the boundary of the existing activity;
 - It is small scale;
 - The intensity of the activity is not significantly increased; and
 - Any proposed built construction is ancillary to what exists.
- NE5 – Trees and Woodland – creates a presumption against development that results in the loss of trees and woodland that contributes to landscape character, biodiversity etc;
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design;
- D2 – Landscape - new development should be informed by existing landscape character, topography and existing features to sustain local diversity and distinctiveness, including natural and built features such as existing boundary walls and other features of interest;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

7 June 2018

- D4 – Historic Environment - development should comply with Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS);
- D5 – Our Granite Heritage – Creates a presumption against loss of granite features;
- Householder Supplementary Guidance – general principles;
- SPP and HESPS – Development should preserve and enhance the special interest of Listed Buildings. Creates a presumption against loss of ancient semi-natural woodland.

Mr Miller indicated that the applicant had requested that a site visit be undertaken as a further procedure.

Mr Miller advised that in determining the appeal, members should also take into consideration any material considerations that they feel are relevant to the application which would point to either overturning the original decision or dismissing the review. He explained 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 intimated that if members were minded to overturn the decision then he would advise on conditions following deliberation of the review.

The Chairperson and Councillors Donnelly and Duncan all indicated in turn 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.

During deliberations, members noted the following:-

- that the present access was dangerous;
- the boundary wall was not in a good condition;
- there was an ongoing issue with the reinstatement of trees;
- the application contravened many policies;
- the garage was too close to the listed building;
- that it was out of character within a conservation area; and
- the application would be an overdevelopment on the site.

Members agreed unanimously that the decision of the appointed officer to refuse the application be upheld and the application was refused.

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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

7 June 2018

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

1. The proposed access and driveway would detract from the setting of the listed building and the character and amenity conservation area by virtue of its significant detrimental impact on, and loss of, mature trees on the site and its inappropriate impact on, and loss of, a section of the listed boundary wall, The proposed single storey storage building and the garage would have a detrimental impact on the setting of the listed building and the character of the conservation area and, thus, on the character of the green belt due to the inappropriate scale, size and position of the storage building and the inappropriate position of the garage. On the basis of the above, and following on from the evaluation under policy and guidance, it is considered that the proposal does not accord with provisions of the Historic Environment Scotland Policy Statement, Scottish Planning Policy, the Aberdeen Local Development Plan policies NE5 (Trees and Woodland), D5 (Our Granite Heritage), D4 (Historic Environment), D1 (Quality Placemaking by Design) and D2 (Landscape) and the relevant Supplementary Guidance and does not fully accord with Policy NE2 (Green Belt).
2. There are no material planning considerations that would warrant approval of the application. Approval of the application would prevent full and unhindered reinstatement of trees in this area to allow the trees and woodlands that once contributed to local landscape character and local amenity to be re-established.

Finally, the Local Review Body members advised that the applicants should liaise with the planning authority to resolve ongoing issues prior to submitting any future application.

- **COUNCILLOR JENNIFER STEWART, Chairperson**

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
7 June 2018