

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 2 August 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Avril MacKenzie and Mason.

The agenda and reports associated with this meeting can be viewed [here](#)

83 BLENHEIM PLACE - ERECTION OF 1.5 STOREY GARAGE WITH STORAGE SPACE AT UPPER LEVEL - P171486

1. The Local Review Body (LRB) of Aberdeen City Council met 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 erection of a 1.5 storey garage with storage space at upper level at 83 Blenheim Place, Aberdeen, Planning Reference 171486.

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 Dunsmuir, as regards the procedure to be followed and also thereafter by Mr Evans, who would be acting as the Planning Adviser to the Body in the case under consideration.

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 LRB only. She emphasised that the officer would not be asked to express any view on the proposed application.

The LRB was then addressed by Mrs Dunsmuir, the Assistant Clerk, as regards 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 report of handling by Mr Gavin Clark, Senior Planner; (2) the decision notice dated 16 April 2018; (3) links to plans showing the proposal; (4) links to planning policies referred to in the delegated report; (5) a letter of support in relation to the application; and (6) the Notice of Review submitted by the applicant's agent along with an accompanying statement, documents and initial planning application.

In respect of the review, Mr Evans advised that he had checked the submitted Notice of Review and had found it to be valid and submitted within the relevant timeframes.

Mr Evans advised that the site under consideration was a residential plot, incorporating a two storey mid-terrace property of granite character, along with associated garden

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grounds and outbuildings. The building lay within the Albyn Place / Rubislaw Conservation Area but was not listed. The property faced onto Blenheim Place, with a rear lane running along the foot of the back garden which served properties on Blenheim Place to the west side, and Fountainhall Road to the east. Mr Evans explained that the rear garden was enclosed by boundary walls of around 1.8 metres in height, and included an existing pitched roof garage, sited in the north-western corner of the garden, which opened directly onto the lane. The western boundary onto the lane also included painted timber gates. Mr Evans advised that the rear lane was characterised by the presence of many such garages, which varied in design, scale, age and materials.

Mr Evans explained that the planning application subject to review sought permission for the construction of a new, larger garage on the site of the existing structure. The proposed garage would occupy the full width of the plot and would reach 5 metres in height, with its gables oriented to face onto the adjacent plots. The additional height would allow for upper floor storage accommodation.

The new structure would be finished with Siberian larch timber cladding, a natural slate roof and a smooth grey render basecourse. Windows and doors to the garden elevation would be in white UPVC, with gutters and downpipes in black UPVC. The overhead roller garage door would be in steel and coloured grey.

Mr Evans 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:-

That the proposed garage failed to comply with the guidelines contained in Section 3.1.6 "Outbuildings" of the Supplementary Guidance: Householder Development Guide, and with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan, by virtue of its roof profile and orientation, which would exacerbate its massing within the streetscape, resulting in a dominant and obtrusive structure out of keeping with the locale, thereby having a detrimental impact on the character and visual amenity of the surrounding residential area. Approval would risk setting an unwelcome precedent for further unsympathetic replacement garages within the site's part of the Conservation Area, contrary to the aims of the Albyn Place / Rubislaw Conservation Area Character Appraisal and which, if replicated, could lead to a significant cumulative erosion of the Conservation Area's character and appearance. Furthermore, it would fail to demonstrate due regard for its context and would have a negative impact on the character of the Albyn Place / Rubislaw Conservation Area, contrary to Policy D4 (Historic Environment) of the Aberdeen Local Development Plan, Historic Environment Scotland Policy Statement (HESPS) and Scottish Planning Policy (SPP). It had therefore been considered that the proposal did not accord with the provisions of the Development Plan and that there were no material planning considerations that would warrant approval of the application.

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Mr Evans advised that in the Notice of Review Grounds of Appeal statement, the applicant had disputed that the roof profile and orientation would dominate the streetscape; contended that the roof profile and orientation were not foreign to the area; highlighted the variety of roof forms and orientations and queried the insistence of the planning authority on a gable-fronted roof form given the variety and presence of similar structures in the locality; and highlighted the approval of a similar recently approved garage at 58 Fountainhall Road which was orientated with the roof slope facing the lane.

In regard to consultations and objections, Mr Evans advised that no consultations had been undertaken and a letter in support of the application had been received, included in the agenda before Members. Mr Evans also highlighted that additional letters of support had been provided as part of the applicant's Grounds of Appeal statement.

Mr Evans then highlighted that the applicant had asked that the review procedure include a site visit, and explained that the LRB was required to consider whether it had sufficient information before it to determine the review today.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. The Chairperson stated that she was content to continue without further procedure. Councillors MacKenzie and Mason advised that they wished a site visit to be held prior to determining the review. The Local Review Body then agreed that the review under consideration should be adjourned in order for a site visit to be conducted in due course.

LAND AT REAR OF 44-46 BEDFORD ROAD - ERECTION OF 4 RESIDENTIAL FLATS WITH ASSOCIATED LANDSCAPING - P180555

2. The LRB then considered a second request for a review of the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the request for planning permission for the erection of 4 residential flats with associated landscaping at the land to the rear of 44/46 Bedford Road, Aberdeen, Planning Reference 180555.

The Chairperson advised that the LRB would be addressed by Mr Robert Forbes who would be acting as the Planning Adviser to the Body in the case under consideration.

The Chairperson again highlighted 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 LRB 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 Gavin Clark, Senior Planner; (2) the decision notice dated 5 June 2018; (3) links to the plans showing the proposal and planning notices referred to in the delegated report; (4) six

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letters 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.

The LRB was then addressed by Mr Forbes who advised that the Notice of Review was found to be valid and submitted within the relevant timeframes.

Mr Forbes described the site in question, noting that the application in question was on the eastern side of Bedford Road, at its junction with Bedford Place, extending to approximately 332sqm and represented the existing curtilage of 44/46 Bedford Road, comprising a 2½ storey end-terrace building of traditional granite construction, which incorporated a small newsagent/grocer at ground floor level and box-dormers in its roof space. To the rear of the building was an area of garden ground, set approximately 1m below the level of Bedford Place and enclosed by a granite rubble boundary wall measuring 1.2m from pavement level. The rear garden contained no notable trees or landscaping, beyond overgrown shrubs and small trees. The southern boundary to the adjoining property at 42 Bedford Road was defined by a brick boundary wall of approximately 1.2m. The northern side of Bedford Place was characterised by 1½ storey, mansard roofed terraces of dwellinghouse and immediately opposite the application site was a row of 2-storey terraced houses, fronted with synthetic granite block; as well as a single 1½ more traditionally styled detached granite dwellinghouse. The southern side of Bedford Place was largely similar; however 2½ storey tenement-style blocks were present at the junctions of Bedford Place and streets running south-west. The blank gable of one such block abutted the south-eastern end of the application site.

Mr Forbes highlighted previous planning history in respect of the site, and displayed detail of the previous application to illustrate the differences that had been made between it and the current application, noting that the design had been amended to attempt to address the previously highlighted issue of overlooking windows; that the proposal was now of a larger footprint; that the upper floor flats did now not extend to the rear of the property; the proposal was for a granite frontage; and that it was proposed to raise the garden ground by 1 metre. Mr Forbes advised that the proposal would be of a similar scale to the massing of the adjacent building, and the proposed building would now be three storeys high, rather than four.

Mr Forbes 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:-

1. The development has not been designed with due consideration for its context, with a gable/roof design that does not complement the character and appearance of the surrounding area, particularly when viewed from the side and rear elevations, and a development built close to the rear boundary of the site, a feature which is not commonplace in the surrounding area. The proposal would also provide inadequate, poor quality, poorly sited and overlooked amenity

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space for proposed residents and would have an adverse impact on the amenity afforded to properties in the surrounding area. As a result the proposal fails to accord with Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan and its associated Supplementary Guidance: The Sub-Division and Redevelopment of Residential Curtilages. There are no material planning considerations that would warrant approval of consent in this instance.

2. No confirmation of acceptance has been submitted with regards to the provision of car-club membership for the proposed development. The proposal currently fails to comply with Policy T2: Managing the Transport Impact of Development and its associated Supplementary Guidance: Transport and Accessibility of the Aberdeen Local Development Plan.

In regard to consultees and objections, Mr Forbes advised that 6 letters of representation had been received. At this juncture, he advised that there had been additional correspondence between Planning officers and SEPA and the Aberdeen City Council Flooding Team. Ms Lisa Christie, Legal Services, advised that as this was new information which had not been available to the appointed officer at the time of the original decision being taken, the Local Review Body would require to ask for further written submissions to be provided, with those submissions then circulated to interested parties and consultees for comment.

Members agreed that as the Flooding Team had previously responded to the consultation to advise that they had no objections, Members did not consider it necessary for the LRB to request additional written submissions, and agreed that no further procedures were required.

In the Notice of Review supporting statement, the appellant had noted:-

- That they accepted membership of the Car Club which they felt would address the second reason for refusal;
- They considered that the main reason for refusal was that planning officers did not like the garden provision to the flats, as they had not commented on the location and overall size of the building, noting that consent had been granted previously for eight serviced flats which had an almost identical site coverage;
- That the other point of concern related to the design and gable/roof design 'when viewed from the side and rear elevations', and that it was unusual for there to be concern about side and rear elevations which would only be seen by people living in the tenements behind the proposal. The statement noted that in the Planning Service's own guidance on development of housing and extensions it was recognised that this had less importance;
- That the comment about the development being close to the rear boundary showed inconsistency as the earlier approval of eight serviced flats allowed the same arrangement of building to boundary and was over a longer distance along the boundary than what was proposed in the new application;

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- That they felt that flats were appropriate on the site as the proposal was surrounded by well established residential flats; that the development of the site would create flats which reflected the aspirations of Aberdeen City Council and what they understood to be emerging policies which would seek to encourage more residential units within the city centre; and that while the site did not fall within the defined city centre, small developments such as the one that was proposed would contribute to and provide choice for purchasers and prospective occupiers; and
- That as they felt they had dealt with most of the concerns raised in the previous application, they felt that the reasons now given for refusal were inconsistent.

Mr Forbes outlined the relevant policy considerations, making particular reference to the following in the Aberdeen Local Development Plan 2017:-

- Policy D1: Quality Placemaking by Design;
- Policy T2: Managing the Transport Impact of New Development;
- Policy T3: Sustainable and Active Travel
- Policy H1: Residential Areas;
- Policy NE6: Flooding, Drainage and Water Quality;
- Policy R6: Waste Management Requirements for New Development;
- Policy R7: Low and Zero Carbon Buildings, and Water Efficiency; and
- Policy CI1: Digital Infrastructure

Supplementary Guidance and Technical Advice Notes

- The Sub-Division and Redevelopment of Residential Curtilages;
- Transport and Accessibility;
- Flooding, Drainage and Water Quality; and
- Resources for New Development

In terms of material considerations, Mr Forbes advised that in determining the appeal, Members should take into consideration any material considerations they felt were relevant to the application that would point to either overturning the original decision or dismissing the review.

The Local Review Body then asked questions of Mr Forbes in regard to the application.

Following discussion, Members unanimously agreed that the proposal was acceptable and therefore the Local Review Body's decision was to overturn the decision of the appointed officer and approve the application, subject to the conclusion of a Section 75 agreement in respect of Car Club contributions.

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 consideration in so far as these were pertinent to the determination of the application.

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

In coming to a decision, Members stated that they felt that the application had moved a long way forwards in terms of design, particularly in respect of the realignment of windows and the use of complementary granite, and that previous concerns in respect of massing had also been taken on board. They did not feel that the property would adversely overlook the amenity space, noting that there were other properties which also overlooked the space and therefore with the changes that had been made to the design of the proposed development, they did not consider that it was contrary to Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design). They stated that a Section 75 agreement in respect of car club contributions would address the other reason for refusal and were therefore unanimously content to overturn the decision of the appointed officer.

- **COUNCILLOR MARIE BOULTON, Chairperson**

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