

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 9 August 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Duncan and Avril MacKenzie.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=6501&VER=4>

ERECTION OF DOMESTIC GARAGE (OVER TWO FLOORS) WITH ANCILLARY ACCOMMODATION (AT FIRST FLOOR LEVEL) - 78 FOUNTAINHALL ROAD ABERDEEN - 180369

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 erection of a domestic garage over two floors with ancillary accommodation at first floor level, 78 Fountainhall Road Aberdeen, 180369/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 Gavin Evans 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 Mr Gavin Clark, Senior Planner; (2) the decision notice dated 19 April 2018; (3) copies of the plans showing the proposal; (4) links to the planning policies referred to in the delegated report; (5) and the Notice of Review submitted by the applicant along with accompanying submissions.

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

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Mr Evans explained that the site subject to the review was a residential plot, incorporating a two storey mid-terrace property of traditional granite character, along with associated garden grounds and outbuildings. The building was within the Albyn Place/Rubislaw Conservation Area, but was not listed. The property faces onto Fountainhall Road, whilst a rear lane runs along the foot of the back garden and that lane serves properties on Blenheim Place to its west side, and Fountainhall Road to the east. Mr Evans advised that an existing garage sits at the bottom of the back garden, facing directly onto the rear lane. The report of handling estimates this to be approximately 4.7m wide by 5.3m deep, with a pitched roof measuring 3.9m to ridge level. The garage is oriented so that the roof slope faces the lane, and a painted timber gate and a small section of the traditional granite boundary wall would remain.

The rear lane is characterised by the presence of many such garages, which vary in their design, scale, age and materials.

Mr Evans indicated that the application 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 (circa 7.4m wide) and would reach 5m in height, with its gables oriented to face onto the adjacent plots. The proposed garage would also be deeper than the existing one, at 8.1m compared to 5.3m. The additional height would allow for upper floor storage accommodation. Mr Evans also stated that on the garden elevation, the central part of the garage wallhead was built up above the roofslope to offer additional headroom in a manner similar to the construction of a dormer window, but instead of being built entirely within the slope of the roof, this comes directly up from the wall below to protrude above the roof slope. The garage roof would be constructed using natural slate, with a membrane on the flat-roofed section. Walls would be in a light coloured smooth render, with bricks exposed around the opening, and painted timber cladding above the roller shutter door. Guttering would be black UPVC.

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:-

The proposed garage fails 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 design, scale, massing and height, which would result in an obtrusive structure within the street scene, out of keeping with that of the locale thereby having a detrimental impact on the character and amenity of the surrounding residential area. 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).

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In regards to consultees and objections, Mr Evans advised that no letters of objection were received and there was consultation with Roads Development Management, but no objection.

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

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- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context.
- H1 – Residential Areas: Householder Development should particularly:
 - Not result in an unacceptable impact on the character and amenity of the surrounding area;
 - Comply with Supplementary Guidance.
- D4 – Historic Environment: ACC will protect, preserve and enhance the historic environment in line with SPP, SHEP and its own SG and CA Character Appraisals and Mgmt Plan.

Householder Supplementary Guidance

- Section 3.1.6 includes content relating specifically to outbuildings

In relation to the Notice of Review, the applicant highlighted that (a) there was a wide range of garage styles and sizes in the area; (b) the pitch of the garage roof would match the pitch of the house; (c) the photographs taken by the original case officer may have unfairly influenced the outcome of the application and (d) it was likely that the trend for bigger garages with useful accommodation at first floors, would likely to continue as owners add value to their main asset but also to increase security which is becoming a greater problem.

The Local Review Body then asked questions of Mr Evans in regards to the application.

The Local Review Body thereupon agreed unanimously 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 Evans 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 uphold 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 proposed garage fails 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 design, scale, massing and height, which would result in an obtrusive structure within the street scene, out of keeping with that of the locale thereby having a detrimental impact on the character and amenity of the surrounding residential area. 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).

FORMATION OF DORMER TO REAR - 58 FONTHILL ROAD ABERDEEN - 180423

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 the formation of a dormer to the rear of 58 Fonthill Road Aberdeen, 180423/DPP.

The Chairperson advised that the LRB would again be addressed by Mr Gavin Evans and reminded members that although Mr Evans 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 17 May 2018; (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 Evans advised that the site subject to the review was a residential plot, incorporating a two storey property of traditional granite character, along with associated garden

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grounds, within an L-shaped plot. The building lies within the Ferryhill Conservation Area, but is not listed. The property faces onto Fonthill Road, with the rear garden being 'landlocked' by other residential gardens.

Mr Evans explained that the planning application subject to review sought permission for the formation of a flat-roofed dormer window of contemporary styling on the rear roof slope. The dormer would be clad in zinc and incorporated aluminium framed windows. It was also noted that on the drawings was a contemporary ground-floor extension approved via an earlier application (171032).

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 reason for refusal was as follows:-

The proposed dormer would be of a substantial scale and would be of modern box form which would be incongruous to the architectural integrity of the original building and the surrounding area. This proposal and the precedent it could set for similar interventions would have a significant negative impact on the character and appearance of the Ferryhill Conservation Area. The proposed dormer would therefore conflict with the principles of Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, H1 – Residential Areas, and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: 'The Householder Development Guide'; Managing Change in the Historic Environment: Roofs'; and the Ferryhill Conservation Area Character Appraisal. There are no material planning considerations which would warrant approval of planning permission in this instance.

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

- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context.
- H1 – Residential Areas: Householder Development should particularly:
 - Not result in an unacceptable impact on the character and amenity of the surrounding area;
 - Comply with Supplementary Guidance.
- D4 – Historic Environment: ACC will protect, preserve and enhance the historic environment in line with SPP, SHEP and its own SG and CA Character Appraisals and Mgmt Plan.

Householder Supplementary Guidance

- Particularly the 'General Principles'; and
- Content relating to general principles for dormer windows;
- Content relating to dormers on traditional properties

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In relation to the Notice of Review, the applicant highlighted that (a) the proposal did comply with Development Plan Policies, specifically D1, H1 and D4, (b) the proposal complied with the requirements of the Supplementary Guidance: Householder Development Guide in terms of dimensions and style; (c) the proposal would not have an adverse impact on the character and appearance of the Ferryhill Conservation Area by virtue of its location on the rear elevation of the property and the quality and nature of both the design and the materials proposed, and (d) it would not set a precedent for future similar modern interventions in that every planning application must be determined on its merits.

Mr Evans then answered various questions from members.

The Local Review Body thereupon agreed unanimously 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 Evans 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 conditionally.

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 was as follows:-

The proposed dormer would be of a suitable scale that would not dominate the roof of the building and would not be visible at the front of the building, nor would it be prominent in views of the rear of the building. The proposal is considered to accord with policies D1 - Quality Placemaking by Design, H1 - Residential Areas, and D4 - Historic Environment of the Aberdeen Local development Plan, along with the relevant 'Householder Development Guide' Supplementary Guidance document. Specifically, the proposed dormer accords with the size and position criteria contained within that Supplementary Guidance, and is of a size and form provided for by the Householder Development Guide on the rear elevation of a property within a Conservation Area. The proposal would not set an undesirable precedent for similar proposals and would not adversely affect the character and appearance of the Ferryhill Conservation Area.

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CONDITION

No development pursuant to this grant of planning permission shall be undertaken unless full details of the materials and finishes to be used (including a physical sample of the zinc cladding) have been submitted to and agreed in writing by the planning authority. Thereafter all works shall be carried out in accordance with the materials so agreed.

Reason: In the interests of ensuring that materials are of good quality and appropriate for use within a Conservation Area, and to ensure compliance with policies D1 (Quality Placemaking by Design) and D4 (Built Heritage) of the Aberdeen Local Development Plan.

Councillor Marie Boulton, Chairperson

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