

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 13 September 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Cameron and Councillor Donnelly, the Depute Provost.

The agenda and reports associated with this minute can be found at:-

<https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=284&MId=6529&Ver=4>

ERECTION OF DOMESTIC DOUBLE GARAGE TO REAR OF 12 ALBERT STREET ABERDEEN - 180201

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 double garage to the rear of 12 Albert Street, Aberdeen, 180201/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 Roy Brown, Planning Technician; (2) the decision notice dated 13 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.

Mr Evans explained that the site subject to the review was an early 19th century 1½ storey granite terraced building containing flats, along with associated garden grounds. The building is individually B-Listed, and forms part of a category A Group Listing along

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 September 2018

with the terrace of properties from 2-18 Albert Terrace. The site also lies within the Albyn Place/Rubislaw Conservation Area. Mr Evans highlighted that a rear lane, Albert Walk, runs along the bottom of the feu, connecting Albert Terrace and Carden Place. A non-original section of boundary wall encloses the garden part of the site from a hard surfaces area onto the rear lane, which appeared to be used for the parking of cars. A timber pass gate allows access to the garden from the lane/parking area.

Mr Evans indicated that the application sought permission for the construction of a double garage towards the rear of the site, which was set back approximately 5.5m from the rear lane, allowing for the retention of the parking/driveway area adjacent to the lane. The proposed garage would be set in slightly (200mm at either side) from the existing boundary walls to numbers 10 and 14 Albert Street, but the non-original section of wall between the garden and the parking area would be removed. The proposed garage is of a hipped roof style, achieving a height of 5.3m and measuring 3.1m to its eaves. Its overall footprint would be approximately 66sqm.

The elevation facing onto the lane would be finished in reclaimed granite, with side and garden elevations finished in a buff wet-dash render. The roof would be formed in 'new or best second hand slates', with lead flashings, black upvc rainwater goods, grey garage door and grey painted timber fascias and soffits. A loft hatch would offer access to the attic space.

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 would be incongruous in design, siting and scale in the context of being within the curtilage of a B-Listed building within an A-Listed building group and within the Albyn Place and Rubislaw Conservation Area. It would have a negative impact on the character and appearance of the conservation area. It would be contrary to Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 - Quality Placemaking by Design and D4 – Historic Environment of the Aberdeen Local Development Plan; the Supplementary Guidance: 'the Householder Development Guide' and 'Transport and Accessibility'; and the aims of the Albyn Place and Rubislaw Conservation Area Character Appraisal. There are no material planning considerations which would warrant the grant of planning permission in this instance.

In regards to consultees and objections, Mr Evans advised that one letter of objection was received and there was consultation with Roads Development Management and also the flooding team. No objections were received from the consultees. The flooding team recommended the use of permeable materials in the design, in order to prevent any increase in surface water runoff. Rainwater harvesting was also recommended, but not mandatory.

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

- B3 – West End Office Area:

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

13 September 2018

- Office Uses encouraged subject to criteria (n/a)
 - New development proposals that do not protect existing residential amenity will be refused
 - Where there is scope to provide access from rear lanes, this will only be acceptable if satisfactory access arrangements are in place or can be made – refers to T+A SG.
 - Presumption against loss of front gardens for car parking, and expresses support for reinstatement of front gardens.
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context.
 - 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 Management Plan.

Supplementary Guidance

1. Householder Supplementary Guidance

- General principles – no more than 50% of front or rear curtilage should be covered by development
- Section 3.1.6 includes content relating specifically to outbuildings.

2. Transport and Accessibility Supplementary Guidance

- **5.8.6** – Garages off rear lanes can usually be achieved satisfactorily - Design and positioning of garage should be given careful consideration, particularly with regard to the effect the garage will have on the appearance of the lane
- Where garage is accessed by rear lane, it should be on the same line as the garden wall and not recessed back from it as this helps to maintain the delineation of the lane.
- In some instances where there are safety/manoeuvrability constraints, setback of 1m may be required.

In relation to the Notice of Review, the applicant highlighted that (a) planning permission was previously granted in 2010 for a larger garage with glass extension, which was considered to comply with the relevant policies at that time; (b) the scale and footprint of the original proposal reflected that previously approved by Aberdeen City Council; (c) the proposal does comply with the relevant policies of the development plan and (d) in regards to the planning history of the site, the applicant felt that the original officer did not given sufficient weight to this, and that it represents a significant material consideration that would justify approval.

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

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

13 September 2018

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 by majority to overturn the original decision and therefore approve the application conditionally. Councillors Boulton and Cameron voted to approve the application and Councillor Donnelly voted to uphold the original decision.

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:-

That the application be approved conditionally as the LRB considered the proposal demonstrates a good standard of design and would utilise traditional materials appropriate to its context, including the enhancement of the existing parking area through the introduction of granite setts, consistent with policy D1 (Quality Placemaking by Design). Its height and scale is acceptable, would retain the appearance of a single-storey building as required by the Council's 'Householder Development Guide' Supplementary Guidance, and would not be unduly prominent or overbearing from neighbouring gardens. It is considered that the proposal would not result in any adverse impact on the character of the rear lane, which has been compromised to an extent due to the number of existing car park entrances, associated large areas of hardstanding and loss of original boundary walls, and on that basis it is considered that the proposal would not adversely affect the character of the Albyn Place & Rubislaw Conservation Area and would comply with Scottish Planning Policy (SPP) and Historic Environment Scotland's Policy Statement. It is considered that the proposed structure is suitably accessible and would present no road safety hazard.

CONDITIONS

- (1) that no development shall take place unless a scheme detailing all external finishing materials to the roof and walls of the development hereby approved has been submitted to, and approved in writing by, the planning authority and thereafter the development shall be carried out in accordance with the details so agreed - in the interests of visual amenity.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 September 2018

PARTIAL REMOVAL OF BOUNDARY WALL AND INSTALLATION OF ELECTRIC GATE AND FORMATION OF DRIVEWAY - 14 FOREST AVENUE ABERDEEN - 180699

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 partial removal of the boundary wall and installation of an electric gate and formation of driveway at 14 Forest Avenue Aberdeen, 180699/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 Ms Jacqui Thain, Planning Technician (2) the decision notice dated 12 July 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 semi-detached property of traditional granite character, along with associated garden grounds. The building lies at the junction of Forest Avenue and Annfield Terrace, within the Great Western Road Conservation Area, but is not listed. Mr Evans explained there was no rear lane access to the property, however as it sits on a corner site, the granite boundary wall beyond its side elevation runs along Annfield Terrace.

Mr Evans explained that the planning application subject to review sought permission for the removal of a 4metre section of the existing boundary wall in order to form an access to the rear garden. New hard surfacing within the plot would allow for the parking of 3 vehicles, with the opening secured by a sliding gate formed in horizontal timber cladding within a galvanised steel frame.

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 removal of part of the boundary wall, installation of an electronic gate and formation of hardstanding in order to accommodate three vehicles would be detrimental to the character and amenity of the surrounding area. The proposals have not been designed with due consideration for their context and would not respect the character, appearance and setting of the existing historic property,

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

13 September 2018

would be detrimental to its specific historic character and have an adverse impact on the overall historic environment and surrounding Conservation Area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement (HESPS), Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.

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

Aberdeen Local Development Plan 2017

- H1 – Residential Areas: Householder Development should particularly:
 - Does not constitute overdevelopment
 - Not result in an unacceptable impact on the character and amenity of the surrounding area;
 - Comply with Supplementary Guidance
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context.
- 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.
- D5 – Our Granite Heritage

Transport and Accessibility Supplementary Guidance

- It states that openings should be around 3.5m wide (4m in this instance), and later states that 3m is minimum acceptable width for driveway itself;
- Materials matching the original should be used in any alterations to boundary walls;
- When creating new openings, as much of the original wall should be retained as possible;
- Permission won't normally be granted if a driveway for 1 car would remove on-street parking;
- Distance from junction – normally 15m, but 10 may be ok in some circumstances;
- Must be a minimum 5m long, and if more than 7m, must achieve 10m to avoid overhanging of footway;
- Must be internally drained.

In relation to the Notice of Review, the applicant highlighted that (a) one on-street parking space would be lost, but three off-street spaces would be provided by the proposal, (b) the width of the new opening, which is described as 4metres wide in a

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 September 2018

granite wall of some 25m length, equated to approximately 16% loss of historic fabric and (c) the contemporary design and high quality of the design was appropriate.

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 uphold the decision of the appointed officer to refuse 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 was as follows:-

The removal of part of the boundary wall, installation of an electronic gate and formation of hardstanding in order to accommodate three vehicles would be detrimental to the character and amenity of the surrounding area. The proposals have not been designed with due consideration for their context and would not respect the character, appearance and setting of the existing historic property, would be detrimental to its specific historic character and have an adverse impact on the overall historic environment and surrounding Conservation Area. The proposal therefore fails to comply with Scottish Planning Policy, Historic Environment Scotland's Policy Statement (HESPS), Policies H1: Residential Areas, D1: Quality Placemaking by Design, D4: Historic Environment and D5: Our Granite Heritage of the Aberdeen Local Development Plan. There are no material planning considerations which would warrant approval of consent in this instance.

Councillor Marie Boulton, Chairperson

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 September 2018