

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 9 October 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Macdonald and Nicoll.

The agenda and reports associated with this minute can be found at:-
<HTTPS://COMMITTEES.ABERDEENCITY.GOV.UK/IELISTDOCUMENTS.ASPX?CID=284&MID=6551>

REVIEW

20 WEST MOUNT STREET - ERECTION OF 1.5 STOREY REAR EXTENSION - 180129

1. With reference to its meeting of 3 October 2018, the Local Review Body (LRB) of Aberdeen City Council reconvened at the Town House following a site visit 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 rear extension at 20 West Mount Street, Aberdeen, Planning Reference 180129.

Councillor Boulton, as Chairperson, advised that the procedures previously outlined by the Clerk at the meeting of 3 October 2018 would apply and indicated that the LRB would be addressed by Mr Gavin Evans, who acted as Planning Adviser to the LRB in the case under consideration. The Chairperson reiterated 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 again had before it (1) a delegated report by Ms Jacqui Thain, Planning Technician; (2) the planning application dated 1 February 2018; (3) the decision notice dated 5 June 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant along with an accompanying statement with further information relating to the application; and (6) two letters of representation.

The LRB was then addressed by Mr Evans who provided a summary of the information he had previously given to Members at the earlier meeting on 3 October

Mr Evans described the site, advising that it is that of a 1.5 storey (meaning single masonry storey with accommodation in the roof) mid-terrace dwelling, constructed in grey granite, with a slated roof, and situated on the northern side of West North Street, which runs between View Terrace and Mount Street in Rosemount. Its rear garden extends approximately 20m from the rear of the dwelling (as extended). The building lay within the Rosemount & Westburn Conservation Area and was not listed. There was an existing single-storey, flat-roofed extension to the rear of the building, which projected circa 4.7m along the western boundary (with no.22).

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Mr Evans indicated that the application proposed an extension to the rear of the building, providing accommodation across two floors. The extension would project 4.7m from the rear face of the original building, matching the projection of the existing flat-roofed structure, but with a larger footprint. The first-floor accommodation would be set back, projecting 4m from the rear face, and would be positioned along the western boundary.

He intimated that the Appointed Officer's reasons for refusal made reference to the following factors:-

- Due to its height, scale, design and massing, the extension is not designed with due consideration for its context and as a result, it would have an unacceptable impact on neighbouring properties;
- The proposal results in the loss of part of the historic fabric;
- Excessive scale, which amounts to a 2-storey extension to a 1 ½ storey house would result in unacceptable impact on the character and amenity of the surrounding Conservation Area;
- For these reasons, proposal failed to comply with Scottish Planning Policy, Historic Environment Scotland Policy Statement, Policies H1, D1, D4 and D5 of the Aberdeen Local Development Plan, as well as its Householder Supplementary Guidance (HHSG) and the Managing Change in the Historic Environment Scotland guidance on 'Extensions'; and
- No other material considerations that were sufficient to outweigh the development plan.

Mr Evans outlined the appellant's case as follows:-

- That the proposed extension helped to address an existing overlooking issue from the side-facing windows at first floor level at number 18 (adjoining neighbour to the East), which looked directly onto the garden and existing rear extension of no. 20. It was contended that this existing relationship was not addressed by the appointed officer's decision;
- Stated that Council officers did not raise major concerns about the principle of a 1.5 storey extension during pre-application discussions, and that the authority's position seemed to change following involvement of conservation staff;
- Concerns were raised in relation to loss of fabric which could be addressed through re-use of materials in the proposal (link to policy D5). It was stated that no opportunity was given to do so.

(Mr Evans intimated that the LRB was considering the proposal in the form it was determined, not a revised proposal. The applicant could make a revised proposal taking account of matters raised in the Appointed Officer's refusal. Policy D5 and associated national policies relating to the historic environment sought retention of fabric in the first instance, rather than simply requiring that downtakings were reused. Mr Evans advised Members that they should consider whether this level of fabric loss was necessary);

- Queried appointed officer's description of the proposed extension as '2 storey';

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(Mr Evans advised that a 1.5 storey description was normally applied where upper floor accommodation was contained within roofspace. The walls of the extension protrude above the wallhead level of the original house, such that the extension effectively has 2 full 'masonry/solid' storeys).

- Noted that the sole objector to the application (no.18) had since sold the property and that other local residents have offered verbal support;
(Mr Evans intimated that the lack of objection did not equate to acceptability or Development Plan compliance. He advised that Members should be mindful to assess the application on the basis of impact on any future residents, irrespective of their identity;
- Cited precedent for large rear extensions at 16, 18 and 24 West Mount Street and noted that the planning authority recognised the extension to no18 was a 'bad neighbour' in pre-application correspondence.
(Mr Evans referred to point 3 in the HHSG 'General Principles' advising that extensions approved prior to introduction of this Guidance did not represent any 'precedent' for proposals that did not comply with criteria set out. The term 'bad neighbour' was relevant in terms of the HHSG, which at Appendix 3 set out a methodology for assessing loss of daylight to 'habitable rooms' in neighbouring properties, highlighting that these guidelines "could only reasonably be applied to buildings which were themselves good neighbours, standing a reasonable distance from the boundary and taking only their fair share of light. Existing windows which do not meet these criteria could not normally expect the full level of protection." and
- Stated that the applicant and agent had gone to every length to ensure that the proposal could avoid a detrimental impact on either the character or amenity of the area, and contended that this has been achieved.

Mr Evans explained that the Council's Roads Development Management team were consulted, and they had indicated that that the extra bedroom proposed, would not result in any significant increase in demand for on-street parking, therefore no objection was submitted.

The Local Review Body were advised that one letter of objection was received.

Mr Evans outlined the relevant policy considerations, referring to the following:-

Aberdeen Local Development Plan 2017

- H1 – Residential Areas: Householder Development should particularly:
 - Did not constitute overdevelopment; and
 - Did not result in an unacceptable impact on the character and amenity of the surrounding area;
- Comply with Supplementary Guidance (Householder)
- 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: Aberdeen City Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy,

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Scottish Historic Environment Policy and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan;

- D5 – Our Granite Heritage: Where the retention and re-use of a granite feature or building, in whole or in part, is unviable, then the visible re-use of as much of the original granite as is practically possible as a building material within the development site is required.

Supplementary Guidance

1. Householder:

General principles –

- Proposals should be ‘architecturally comparable in design and scale with the original house and surrounding area’ and ‘any extension proposed should not serve to overwhelm or dominate the original form or appearance of the dwelling, and should be visually subservient in terms of height, mass and scale’;
- No extension should result in a situation where amenity of neighbouring properties would be adversely affected in terms of privacy, daylight and general amenity;
- Earlier developments approved before this guidance was introduced will not be accepted as justification in support of proposals that otherwise fail to comply with these criteria. Search of records indicates that a House Extension at 16 was approved in July 1996; at 18 in Feb 1997; and at 24 in July 1986. This Supplementary Guidance approved by Council in March 2017, and adopted with full Guidance status in May 2017;
- Built footprint of a dwelling as extended should not exceed twice that of the original. Can see from floor plans that this would not be the case; and
- No more than 50% of front or rear curtilage should be covered by development large rear garden is such that this criteria is satisfied.

Section 3.1.5 included content relating specifically to extensions to terraced properties.

- Single storey extensions to terraced buildings will be restricted to 3m in projection along a mutual boundary;
- Extensions of more than one storey will normally be refused where the proposal runs along a mutual boundary unless it can be demonstrated that the specific circumstances of the site and the proposal would ensure that there would be no detrimental impact on either the character or amenity of the area;
- Part (c) related to end-terraces, so was not applicable; and
- Part (d) related to non-traditional or grouped terraces so was not applicable in this instance.

Mr Evans indicated that in determining the appeal, members should also take into consideration any material considerations they feel are relevant to the application that would point to either overturning the original decision or dismissing the review.

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Mr Evans intimated that in addition to the relevant policies from the development plan, the following would be material considerations:-

- Scottish Planning Policy (Conservation Areas);
- Historic Environment Scotland Policy Statement;
- Aberdeen City Council Rosemount & Westburn Conservation Area Character Appraisal and the overarching Management Plan for Aberdeen's Conservation Areas; and
- Historic Environment Scotland's Managing Change guidance on 'Extensions'

He advised that Scottish Planning Policy set out that proposals should preserve or enhance the character and appearance of the Conservation Area.

He made reference to the Aberdeen City Council's Rosemount & Westburn Conservation Area Character Appraisal as follows:-

- Identified 'character areas' within the Conservation Area. This site was within Area B: Rosemount Place – North;
- P29: Noted that there was considerable variety in houses on the streets between Rosemount Place and Westburn Road;
- P30: Described West Mount Street as being "largely made up of 2 ½ storey properties with a small terrace of 1 ½ storey cottages to the western end". The application site formed part of this small terrace; and
- The SWOT analysis of Character Area B at P44 did not highlight any issues that appeared to be of direct relevance to the development proposed in the application.

He advised that Historic Environment Scotland's Managing Change publication relating to Extensions set out 4 headline requirements as follows:-

- It must protect the character and appearance of the building;
- It should be subordinate in scale and form;
- It should be located on a secondary elevation; and
- It must be designed in a high-quality manner using appropriate materials.

He indicated that the appointed officer had come to the conclusion that the proposal, though located on a secondary (rear) elevation, was unable to satisfy the other three tests.

Mr Evans advised 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 Evans concluded by intimating that if members were minded to overturn the decision then he would advise on the following condition to be added following deliberation of the review:-

Condition:

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Material Samples - that no development to which this planning permission relates shall take place unless details of the finishing materials of the proposed dormer has been submitted to and approved in writing by the Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed details.

Following discussion, **Members agreed by a majority of two to one 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 following condition:-**

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.

In coming to their decision, the Chairperson and Councillor Macdonald indicated that the proposal was not over ambitious in terms of its size, scale and massing and was not detrimental to the conservation area.

Councillor Nicoll supported the appointed officer's decision to refuse the application, as he considered that the proposal was detrimental to the wider conservation area and was contrary to the policies outlined in the officer's delegated report.

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.

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

That the size, scale and massing of the proposal was appropriate to its context, and considered that the proposed extension was of an acceptable design quality, as required by policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan. The proposal was not considered to represent over-development of the site, with a significant area of private garden/amenity space retained, nor would it result in any unacceptable impact on the character and amenity of the surrounding area, as required by policy H1 (Residential Areas). The visual impact of the development would be contained by its location to the rear of a terrace, which was not served by a rear lane, and did not consider the proposal to be detrimental to the character or amenity of the Rosemount and Westburn Conservation Area, consistent with the requirements of Policy D4 (Historic Environment), Scottish Planning Policy (SPP) and Historic Environment Scotland's Policy Statement (HESPS). It was further considered that the loss of original fabric would not be significant or result in any significant conflict with policy D5 (Our Granite Heritage).

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- **COUNCILLOR MARIE BOULTON, Chairperson**

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