ABERDEEN, 29 November 2018. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. <u>Present</u>:- Councillor Boulton, Chairperson; and Councillors Copland and Donnelly, the Depute Provost.

The agenda and reports associated with this minute can be found at:https://committees.aberdeencity.gov.uk/ieListDocuments.aspx?Cld=284&Mld=6 607

1 WOODBURN PLACE - ERECTION OF CARPORT TO GABLE - 180643

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 Carport to the Gable of 1 Woodburn Place, Aberdeen, Planning Reference 180643DPP.

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, Mr Mark Masson with regards to 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 Mr Masson, Assistant Clerk in regard 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 Sheila Robertson, Planning Technician; (2) the planning application dated 24 April 2018; (3) the decision notice dated 22 June 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; and (5) the Notice of Review submitted by the applicant along with a supporting statement with further information relating to the application.

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 described the site, advising that the application site was located on the western site of Woodburn Place, occupying a corner plot at its junction with Woodburn Gardens. The site contained a detached, 1.5 storey dwelling of a hipped-roof design,

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which includes an integral garage. The dwelling had been previously extended in the past, with the addition of a single-storey extension to the rear (garden elevation) and more recently, the construction of a 1.5 storey extension on its south elevation facing onto Woodburn Gardens. This later extension allowed for the formation of an integral garage with internal accommodation above, within the roofspace. The site extended to approximately 970sqm, of which the extended property occupies a footprint of roughly 220sqm. The site was at the time of the officer's report, enclosed by high leylandii hedging to its southern and eastern boundaries (onto Woodburn Gardens and Woodburn Place respectively. Woodburn Place rises northwards from Woodburn Gardens, and as a result the dwelling was slightly elevated when seen from Woodburn Gardens.

In relation to the proposal, Mr Evans indicated that the application proposed the erection of a single-storey structure from the southern elevation of the property (closest to Woodburn Gardens). The car-port/canopy type structure would be open to the front (east), but would present a solid granite face to its side (southern) elevation and part of the rear (west) elevation, with the finish described as being similar to that of the garage. The structure would be topped by a hipped roof, similar to that of the recent extension but at a much shallower pitch and lesser height. The roof ridge level would sit slightly above the wall head level of the recent extension, and just below its south-facing dormer. Its depth (at approx. 7.7m) was slightly less than that of the recently constructed extension, and its width would taper from 4.7m at the front to 2m at the rear, running parallel to the southern boundary. The officer's report indicated that the structure would be sited approximately 1.1m off that southern boundary.

Mr Evans outlined the appointed officer's reasons for refusal which made reference to the following points:-

- The proposal had not been designed with due consideration for its context;
- The cumulative effect of this further extension would result in an elongated frontage, which would dominate and overwhelm the original dwelling house and result in a dwelling that would be out of character with surrounding properties;
- This would be contrary to the advice contained in the Householder Development Guide Supplementary Guidance;
- By virtue of its prominent location and close proximity to Woodburn Place, this
 further extension would be visually intrusive and incongruous to the established
 pattern of development in the surrounding area; and
- Based on these factors, the proposal was considered to result in an unacceptable impact on the existing residential character and visual amenity of the streetscape and a negative impact on its setting, contrary to Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) and the associated Supplementary Guidance: Householder Development Guide.

Mr Evans advised that the applicant's agent expressed the opinion that the proposed carport was not detrimental to the style of the existing house and would have little or no

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impact on its surroundings, noting that the structure would barely be seen from out with the site.

Mr Evans made reference to further details provided in a separate supporting statement which added the following points:-

- Highlighted the private and enclosed nature of the site, with significant screening offered by leylandii hedging and the driveway/access secured by an electronically-operated gate;
- Noted the applicant's desire to have a further covered area for a car and refuse/recycling bins storage;
- Contended that the structure had been designed to fit into the awkward-shaped area of garden to the south of the house, and that its finishes and roof style had been chosen to reflect the style of the existing house;
- Noted also that the structure would be 1.5m back from the boundary, and eaves height had been kept as low as possible to keep below the level of the existing dormer window;
- Stated that the footprint of the dwelling (with car port) would be only 24% of the total site area, and therefore did not constitute overdevelopment, nor would it be out of keeping with its surroundings; and
- Contended that the minor and sympathetic extension would not dominate the appearance of the dwelling.

Mr Evans intimated that there were No consultations, however one representation had been received which raised the following points:-

- The proposal was an extension to a recently added extension;
- The car port came closer to the houses opposite;
- With minimal alteration the car-port could become part of the internal accommodation, increasing its footprint further;
- Expressed the view that this represented overdevelopment of the plot; and
- Noted that whilst there was leylandii hedging present currently, the construction work and close proximity of the car port may cause this hedge to die.

Mr Evans indicated that the applicant had stated their satisfaction that no further procedure was required (site inspection or hearing session(s)), and that the Review may proceed on the basis of a review of the written submissions.

The Chairperson and Councillors Copland and Donnelly 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.

Mr Evans then outlined the relevant policy considerations, making reference to the following:-

• Aberdeen Local Development Plan 2017 - D1 – Quality Placemaking by Design and H1 – Residential Areas: Householder Development; and

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• Householder Supplementary Guidance, particularly the 'General Principles'.

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

He explained that it would appear that the material considerations were primarily:-

- Policy H1, in terms of establishing whether the proposal would have an adverse effect on amenity and its relationship to relevant Supplementary Guidance;
- Policy D1 which required high standards of design and the creation of a strong sense of place relative to the local context.

Mr Evans explained that in relation to the Householder Supplementary Guidance, there were general principles which related to householder developments and in this case, the Council's decision expressed a view that the proposed extension would, in conjunction with the various earlier extensions to the property, result in the original dwelling appearing overwhelmed. The appointed officer also considered that the structure would, as a result of its prominent corner location, elevated position and closeness to the site boundary, be 'visually intrusive' and out of keeping with its surroundings.

Mr Evans concluded by indicating 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.

Members asked Mr Evans a number of questions, particularly relating to the proposed Carport's open door design and dimensions, other house extension designs in the area and the proposed materials that would be used.

Members agreed unanimously 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.

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 Local Review Body expressed satisfaction that the design of the proposed extension is consistent with the style of the existing house, and that it

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demonstrates due regard for its context, as required by policy D1 (Quality Placemaking by Design). It was also noted that the car port would be afforded a degree of screening due to the presence of high hedging enclosing the site, would not represent overdevelopment of the site, and would not result in any adverse impact on residential amenity, consistent with policy H1 (Residential Areas). It was recognised that there is some variety in house types and styles in the surrounding area, and on that basis the proposed extension was not considered to be incongruous.

85 HAMILTON PLACE - INSTALLATION OF REPLACEMENT WINDOWS - 180950

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 application for the installation of replacement windows to the property at 85 Hamilton Place, Aberdeen, Planning Reference 180950DPP.

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 Alex Ferguson, Planner; (2) the planning application dated 11 June 2018; (3) the decision notice dated 30 August 2018; (4) links to the planning policies and plans referred to in the delegated report; and (5) the Notice of Review submitted by the applicant including a supporting statement with further information relating to the application.

The LRB was then addressed by Mr Evans 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, however he then indicated that new evidence presented by the applicant in the form of (1) a letter dated 21 November 2018 which made reference to planning approval for a neighbouring property; and (2) a new drawing showing a different window had been submitted and therefore required approval from the LRB to accept the letter as part of the proceedings.

Ms Christie, Legal Advisor indicated that the new information, which was not before the planning officer, could only be taken into account where (a) that the matter could not have been raised before that time; or (b) that it not being raised before that time was a consequence of exceptional circumstances.

The Local Review Body agreed to accept the letter in to the proceedings as they were satisfied that the information could not have been submitted earlier, however they did not agree to accept the new drawing into the proceedings.

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Mr Evans described the site, advising that the property in question was a detached 2½ storey granite building of traditional style on the southern side of Hamilton Place. The building fronts onto Hamilton Place, but its western gable bounds an unnamed rear lane which runs from Hamilton Place to Desswood Place, and was characterised by garages serving properties on Blenheim Place and Fountainhall Road. The upper floor and roof level of number 85 Hamilton Place's rear elevation were visible from this lane. The building was within the Albyn Place/Rubislaw Conservation Area.

Mr Evans indicated that this application proposed the replacement of windows on the building's rear elevation which included two windows at ground floor level, two at first floor level, and six within the former window on the rear slope of the roof.

Mr Evans explained that the appointed officer's report described the existing windows as being timber 'two-over-two' sash and case units, however having reviewed this in light of the applicant's comments in their submission, it appeared that in fact the windows within the dormer were timber sash-and-case, and the first-floor units appear to currently be uPVC.

He advised that members have the option to undertake a site visit should they consider it necessary to establish the nature of all existing windows.

He intimated that the proposed replacement windows would be sash, and case units formed in UPVC. The officer's report noted that the specifications provided of the proposed window did not demonstrate whether the dividing astragal would fully separate the upper and lower sashes, or whether it would be a stuck-on faux astragal.

Mr Evans made reference to the appointed officer's decision and the reasons for refusal were outlined in terms of the following factors:-

- Though of the same design and opening method was the existing units, the proposed uPVC replacements would not fully replicate the proportions of the existing windows;
- The unsympathetic windows proposed would be installed on a publicly visible elevation and it was considered that they would be inappropriate for the context and would thus have a detrimental impact on the character of the surrounding area and on the character and appearance of the wider conservation area;
- As a result, the application was contrary to Policies D1 (Quality Placemaking by Design), H1 (Residential Areas) and D4 (Historic Environment) of the Aberdeen Local Development Plan, as well as the general principles of Scottish Planning Policy, Historic Environment Scotland Policy Statement, Historic Environment Scotland's 'Managing Change in the Historic Environment: Windows' guidance document and the Council's supplementary guidance on The Repair and Replacement of Windows and Doors.

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In terms of the appellant's case, Mr Evans indicated that the submission contended as follows:-

- That the rear elevation of 85 Hamilton Place was not a 'publicly visible' elevation, and therefore should be assessed accordingly;
- Noted that 'public elevation' was not defined in the guidance;
- If assessed on the basis of being a non-public elevation, the Council's Windows Supplementary Guidance indicated that it may be acceptable to have a different material or means of opening;
- Highlighted a number of examples of windows on rear elevations which vary in style, material and finishes (photos were included in submission);
- Noted that there are a number of instances of uPVC being present on front elevations;
- That the proposed windows successfully replicate the design, opening method and proportions of the existing windows – it was only the material that would change;
- Noted the officer's concern in relation to the thickness of the bottom rail of the lower sash being inadequate and considered this to be a minor difference;
- Noted that the appointed officer recognised that the principle of replacing the existing windows was acceptable, subject to ensuring that replacements were of an appropriate design; and
- That the proposed replacements would not have a detrimental impact on the character or appearance of the Conservation Area.

Mr Evans advised that there were no consultations issued or objections/representations received.

Mr Evans indicated that the applicant had stated their satisfaction that no further procedure was required (site inspection or hearing session(s)), and that the Review may proceed on the basis of a review of the written submissions.

The Chairperson and Councillors Copland and Donnelly 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.

Mr Evans then outlined the relevant policy considerations, making reference to the following:-

- Aberdeen Local Development Plan 2017 H1 Residential Areas: Householder Development; D1 – Quality Placemaking by Design; and and D4 – Historic Environment:
- Windows and Doors Supplementary Guidance; and
- Householder Supplementary Guidance, particularly the 'General Principles'.

Mr Evans advised that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that

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would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the following would be material considerations:-

- Scottish Planning Policy (Conservation Areas);
- Historic Environment Scotland (HES) Policy Statement;
- Aberdeen City Council's Great Western Road Conservation Area Character Appraisal and the overarching Management Plan for Aberdeen's Conservation Areas; and
- HES Managing Change guidance on 'Windows'.

Mr Evans intimated 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.

Members asked some questions of Mr Evans, specifically relating to the condition and fabric of the existing windows and dormer.

Members agreed unanimously 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 conditionally.

In coming to their decision, the Chairperson indicated that there was no loss of historic fabric as the current windows were not original features and were currently uPVC, they were on a rear elevation and were of a suitable design.

Councillor Donnelly advised that the proposal would improve the existing situation and were located at the rear of the property.

Councillor Copland agreed that the proposal would be an improvement, and suggested that conditions regarding the lower base rail and the central bar of the windows be applied.

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.

More specifically, the reasons on which the Local Review Body based this decision are as follows –

The Local Review Body established that there would be no loss of historic fabric, as the flat-roofed dormer window would have been a later addition and the windows being replaced in lower floors are not historic. The loss of existing uPVC windows in lower floors is not of concern, and the principle of introducing sliding sash-and-case replacements in uPVC was considered to be acceptable on this rear elevation, in accordance with the Council's 'Repair and Replacement

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of Windows and Doors' Supplementary Guidance. The views of this rear elevation were not considered to be sufficiently clear to prohibit the use of uPVC windows, and it was noted that such frames have been accepted elsewhere within the surrounding streets and the Conservation Area more widely. It was noted that the windows proposed would have a shallow bottom rail on the lower sash, and that cross-sections detailing the astragals were not provided to the appointed officer. It was therefore determined that conditions should be applied to the permission to require that these matters be addressed before works can be carried out.

CONDITIONS

- 1. that no development pursuant to this grant of planning permission shall be undertaken unless further plans and sections demonstrating that the bottom rail of the lower sash achieves a minimum of 75mm in thickness, and thereafter all works shall be carried out in accordance with the plans and sections so agreed - in order to ensure that the windows hereby approved adequately reflect the proportions of a traditional sash-and-case window; and
- 2. that no development pursuant to this grant of planning permission shall be undertaken unless plans and section drawings demonstrating the thickness, proportions and means of fixing of the central astragal bar to the approved windows have been submitted to and agreed in writing by the planning authority. Thereafter, windows shall not be installed other than in accordance with the details so agreed in order to ensure that the replacement windows hereby approved adequately replicate the proportions of a traditional 'two-over-two' sash and case window.

27 WHITEHALL TERRACE - REPLACEMENT OF WINDOWS TO FRONT - 181328

3. The Local Review Body then considered the third request for a review to evaluate the decision taken by an appointed officer under the Council's Scheme of Delegation to refuse the application for the installation of replacement windows to the front of the property at 85 Hamilton Place, Aberdeen, Planning Reference 181328DPP.

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 Alex Ferguson, Planner; (2) the planning application dated 11 June 2018; (3) the decision notice dated 30 August 2018; (4) links to the planning policies and plans referred to in the delegated report; and (5) the Notice of Review submitted by the applicant including a supporting statement with further information relating to the application.

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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 described the site, advising that it was a semi-detached 1.5 storey dwelling, situated on the southern side of Whitehall Terrace, at its junction with Craigie Park. The building was understood to date from the 1920s/30s and was constructed in granite with a slated roof and 'catslide' dormer at first floor level and a 3-part bay window below. Existing windows were formed in timber with a brown stained finish, and were of a casement opening type. The site was within the Rosemount and Westburn Conservation Area.

He explained that the application proposed the replacement of all windows on the front elevation of the property. The proposed windows were 'rosewood' brown coloured uPVC frames, which were of a casement opening type. Besides the introduction of uPVC, the central window in the ground floor bay would be slightly different, with a single fixed pane instead of the two fixed panes presently. The lower sections of the left and right-hand-bays would open, with fixed panes above.

Mr Evans indicated that the Appointed Officer's reasons for refusal make reference to the following factors:-

- The replacement of timber with uPVC on the principal elevation failed to demonstrate due regard for its context, and therefore failed to accord with policies D1 (Quality Placemaking by Design), D4 (Historic Environment) and H1 (Residential Areas) of the Aberdeen Local Development Plan;
- The retention and reinstatement of traditional window forms and materials, or suitably sympathetic alternatives, was necessary to maintain and enhance the character of the conservation area;
- The replacement of existing timber framed windows with modern frames, formed in uPVC and the presence of visible surface mounted trickle vents to the front faces, would have a negative impact on the character and appearance of the conservation area, and would therefore not align with Scottish Planning Policy and Historic Environment Scotland's Policy Statement. Moreover, they did not accord with the Supplementary Guidance: The Replacement of Windows and Doors and Historic Environment Scotland's Managing Change Document: Windows; and
- Approval would risk setting an unwelcome precedent for further unsympathetic window replacements within the conservation area which, could contribute to progressive erosion of its character and appearance, contrary to the aims of the Albyn Place/Rubislaw Conservation Area Character Appraisal.

In relation to the appellants case, Mr Evans advised that the submission contends as follows:-

 Highlighted the vast majority of the surrounding properties already feature uPVC windows;

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- In this context, the replacement of the existing windows for uPVC replacements would not cause any negative impact on the Conservation Area;
- In particular, highlighted that the adjoining semi at no 25 featured matching brown uPVC windows, so the appearance of the building as a whole would be improved;
- Highlighted that modern uPVC windows in this finish were almost identical to real wood frames;
- Noted that, if required to install wooden frames at 27, the two semis would remain mismatched; and
- Concluded that the decision taken by the appointed officer was unreasonable as it would be to the detriment of the conservation area to have this mismatched appearance.

Mr Evans advised that no consultations were issued and no representations had been received.

Mr Evans explained that the applicant had expressed the view that further procedure was not required, and that the review may proceed without further procedure, however it was noted that in the submission the applicant also suggested that a site survey (taken to mean visit/inspection) may be appropriate.

The Chairperson and Councillors Copland and Donnelly 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.

Mr Evans then outlined the relevant policy considerations, making reference to the following:-

- Aberdeen Local Development Plan 2017 H1 Residential Areas: Householder Development; D1 – Quality Placemaking by Design; and and D4 – Historic Environment;
- Windows and Doors Supplementary Guidance; and
- Householder Supplementary Guidance, particularly the 'General Principles'.

Mr Evans advised that in determining the appeal, members should also take into consideration any material considerations they feel were relevant to the application that would point to either overturning the original decision or dismissing the review. In addition to the relevant policies from the development plan, the following would be material considerations:-

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

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Mr Evans intimated 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.

Members asked some questions of Mr Evans, specifically relating to the windows of the adjoining property and the style of the proposed window.

Members agreed unanimously to uphold the appointed officer's earlier decision therefore planning permission 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.

More specifically, the reasons on which the Local Review Body based this decision are as follows –

The Local Review Body recognised that the existing windows are not original or of historic value, and therefore supports the principle of their replacement. In this particular instance, the introduction of brown uPVC frames was considered to be acceptable, and would bring some uniformity to this pair of semi-detached houses, provided that the window arrangement was a match for the adjoining property at 25 Whitehall Terrace. Nevertheless, the windows proposed were not considered to be of a sufficiently close match to those of the adjoining property, and therefore the Local Review Body decided that the application should be refused, but expressed its view that a revised proposal, incorporating a transom in the central part of the bay window to better match its adjoining neighbour, would be considered an acceptable replacement for the existing windows.

In conclusion, it was considered that the proposal in its current form would not accord with the relevant policies of the Local Development Plan, nor the Council's 'Repair and Replacement of Windows and Doors' Supplementary Guidance.

COUNCILLOR MARIE BOULTON, Chairperson.

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