

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 27 February 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillors Boulton (articles 2 and 3 only) and Jennifer Stewart (article 1 only), Chairpersons; and Councillors Copland and Donnelly.

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

ERECTION OF 2 STOREY EXTENSION TO FRONT - 108A NORTH DEESIDE ROAD ABERDEEN - 181783

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 two-storey extension to the front of 108A North Deeside Road Aberdeen, Planning Reference 181783/DPP.

Although Councillor Boulton was present for the first review, she did not take part in the proceedings in any way.

Councillor Jennifer Stewart gave a brief outline of the business to be undertaken, advising that she would be chairing the first review and Councillor Boulton would then replace her on the LRB and would chair the following two reviews. She indicated that the LRB would be addressed by the Assistant Clerk, Mrs Lynsey McBain 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 cases 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 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 Roy Brown, Planning Technician; (2) the application dated 1 August 2018; (3) the decision notice dated 25 January 2019 (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's agent along with an accompanying statement with further information relating to the application; and (6) consultee responses from the Roads Development Management Team, Aberdeen City Council.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
27 February 2019

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.

Mr Evans then described the site advising that it was a 1.5 storey detached granite dwelling of a traditional style, but had been extended via the addition of 2 flat-roofed garages to the southern gable. A roof terrace area had also been formed above one of the garages, accessible via a door from a first-floor bedroom. Mr Evans also advised that the site was located in the residential suburb of Peterculter, to the west of Aberdeen and sits on the northern side of North Deeside Road, opposite its junction with Station Road East and immediately adjacent to Eastleigh Nursing Home. Mr Evans also highlighted that number 108A sits back from other properties on North Deeside Road, at the very north-western corner of the plot that is shared with 108. In regard to the proposal, Mr Evans explained that planning permission was sought for a large 1.5 storey extension, projecting from the front/east elevation of the house and the pitched roof extension would project more than 8m from the front of the original house, providing accommodation across two floors. The extension would be finished in a combination of stone facing, drydash render over blockwork and some form of cladding applied to the east elevation.

Mr Evans outlined the appointed Officer's reasons for refusal as follows:-

- The extension would dominate the original house in terms of scale and massing – particular attention is drawn to its significant footprint, excessive projection from the principal elevation of 108A and its width relative to the original house;
- It conflict with Householder Development Guide SG, policies D1 and H1.
- Highlights that the extension would be contrary to the character of the surrounding area and the pattern of development;
- Notes that the increased size of this house means that it would no longer read as an ancillary building within the curtilage of 108.

In relation to the appellants case, Mr Evans highlighted the following:-

- Client requires additional space for family living;
- Contend that the proposal meets the requirements of relevant policies and Supplementary Guidance;
- Highlights the lack of objection from neighbours;
- Highlights that the extension's width is comparable with (and less than) other properties in the area;
- Disputes the Council's position that original footprint would be doubled;
- Highlights the scale of the extension that can be built as 'permitted development'
- Contends that the design is respectful of local character, including the use of granite and slate;
- Highlights that the extension would be hidden by number 108; and
- Contends that the proposal would not have any impact on neighbours or on wider character of the area.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
27 February 2019

Mr Evans advised that there no consultees comments. However Culter Community Council objected to the application. There were also two letters of objections from neighbouring properties.

Mr Evans advised that the applicant had expressed the view that no further procedure was required and a decision could be made without further procedure.

Members agreed unanimously that no further procedure was required and that the review under consideration should be determined without further procedure.

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

H1 - proposals for new development will be acceptable in principle if they:

- do not constitute over development;
- do not have an unacceptable impact on the character and amenity of the surrounding area;
- do not result in the loss of valuable and valued areas of open space. Open space is defined in the Aberdeen Open Space Audit 2010; and
- comply with Supplementary Guidance.

D1 – Quality Placemaking by Design. This requires development to be of a high standard of design, which demonstrates an understanding of its context and should be distinctive, welcoming, safe and pleasant, easy to move around, adaptable and resource efficient.

NE8 – Natural Heritage – related to protection of ecological sites and protected species.

- Sets out that development should seek to avoid any adverse impact on protected species through appropriate surveys being required, and mitigation measures being employed where necessary.

Supplementary Guidance

- Householder Development Guide
- Natural Heritage

Mr Evans explained 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 Scottish Planning Policy would be material considerations.

He indicated that should members wish to overturn the decision of the appointed officer, consideration should be given to any conditions which would be appropriate in

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 February 2019

order to make the proposal acceptable, however all conditions must meet the six tests set out by Scottish Government policy.

The Local Review Body then asked questions of Mr Evans, specifically regarding the footprint of the proposed application.

Following discussion, Members unanimously agreed 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 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 were as follows:-

The proposed extension would serve to dominate the original dwelling in terms of scale and massing, in conflict with the Supplementary Guidance: 'The Householder Development Guide' and Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan, which can be demonstrated by its significant footprint, the width of its gable relative to that of the original dwelling and its significant projection from the principal elevation of the dwelling which would be greater than overall length of the dwelling. The proposal would be more than double the footprint of the original dwelling house, in conflict with the Supplementary Guidance: 'the Householder Development Guide'.

The proposed extension would be contrary to the pattern of development and the character of the surrounding area, in conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan given that the extended dwelling would be approximately the same size as the primary 108 North Deeside Road and would have the appearance of being significant back land development whereas the existing character has the appearance of being an ancillary building within the curtilage of number 108.

At this juncture, Councillor Jennifer Stewart left the meeting and Councillor Marie Boulton chaired the following two reviews.

ERECTION OF TIMBER DECKING ALONG REAR BOUNDARY WITH ASSOCIATED STEPS AND HANDRAILS (RETROSPECTIVE) - 18 HOME FARM GARDENS BRIDGE OF DON - 181431

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 February 2019

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 erection of timber decking along the rear boundary with associated steps and handrails retrospectively at 18 Home Farm Gardens Bridge of Don Aberdeen, 181431/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 Sheila Robertson, Planning Technician; (2) the application dated 20 August 2018; (3) the decision notice dated 19 October 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 and (6) letters of objections from neighbouring properties.

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.

Mr Evans then described the site advising that it was a 3 storey -mid terraced town house of recent construction. The rear garden is level, measures 6m in width and 9.2m in length and backs onto an area of open space which occupies an elevated position relative to the application property. The northern boundary is protected by a retaining gabion wall, a metal cage filled with stones, which is 2.6m in height and 550mm wide, and both side garden boundaries are screened by 1.8m high, vertical timber fencing. There is also 1.8m high timber fencing above the retaining wall, to the rear of the boundary.

In terms of the Appointed Officer's reasons for refusal, Mr Evans made reference to the following factors:-

- a visually prominent and intrusive structure, out of character with the surrounding area that does;
- failure to demonstrate regard for context or make a positive contribution to its surroundings – conflict with D1 (Quality Placemaking by Design);
- height and dimensions result in adverse impact on residential amenity;
- unacceptable loss of privacy to neighbours both to rear windows and to enclosed private gardens;
- does not comply with Supplementary Guidance: Householder Development Guide and with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan; and

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 February 2019

- no material planning considerations which would warrant approval of consent in this instance.

In terms of the appellant's case, Mr Evans referred to the Notice of Review which was submitted from the applicant, and highlighted the following:-

- considers that the application was unfairly refused;
- highlights that the decking is entirely within the boundary of number 18;
- complains that changes such as reducing size of deck or erecting privacy barriers were not considered prior to refusal; and
- indicates a willingness to realign decking or erect screens and in return make decking smaller.

Mr Evans intimated that there were four letters of objections from neighbouring properties and the reasons stated included:-

- loss of privacy, to rear windows and to gardens;
- visual impact of the decking – it is not in character with its surroundings;
- shadow cast into neighbouring garden;
- safety concerns arising from the structure being affixed to the rear fence (on top of gabion);
- potential security risk, allowing easier access to rear gardens from the north; and
- approval could set a precedent in the area for similar structures.

Mr Evans advised that the applicant had expressed the view that a site visit be undertaken, prior to a decision being taken by the Local Review Body.

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

- H1 – Residential Areas: Householder Development Guide.
- D1 – Quality Placemaking by Design:

For the Supplementary Guidance, proposals should be architecturally comparable in design and scale with the original house and surrounding area.

No extension should result in a situation where amenity of neighbouring properties would be adversely affected in terms of privacy, daylight and general amenity, and 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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 February 2019

In regards to decking, Mr Evans explained that:-

- Proposals should not result in an adverse impact on the amenity of adjacent dwellings, including both internal accommodation and garden/patio/outdoor spaces; and
- presumption against formation of decking to the front of any property, or any other prominent elevation where such works would adversely affect the visual amenity of the street scene.
- 18m distance between facing windows is recommended for residential developments.

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:-

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.

The Local Review Body then asked questions of Mr Evans, specifically regarding the location of the decking and impact that it had on the neighbouring properties.

Following discussion, Members unanimously agreed 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 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 were as follows:-

The raised deck as erected, represents a visually prominent and intrusive structure, out of character with the surrounding area that does not take into consideration its immediate context and relationship with neighbouring dwellings, and therefore makes no positive contribution to the wider residential area, contrary to Policy D1 (Quality Placemaking by Design). As a result of its height and dimensions, it has an adverse impact on residential amenity by reason of an unacceptable loss of privacy to the immediately adjacent dwelling houses, as it offers direct views into their rear windows and overlooks their private amenity spaces, as well as offering wider views over the rear gardens of several further properties within the terrace. The raised decking therefore fails to comply with the Supplementary Guidance: Householder Development Guide and with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
27 February 2019

**ERECTION OF SINGLE STOREY EXTENSION AND GARAGE TO SIDE AND REAR
- 1 ARGYLL CRESCENT ABERDEEN - 181557**

3. The Local Review Body then considered the third request for a review to erect a single storey extension and garage to the side and rear of 1 Argyll Crescent Aberdeen, 181557/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 Sheila Robertson, Planning Technician; (2) the application dated 28 August 2018; (3) the decision notice dated 16 November 2018 (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) consultee comments from the Roads Development Management team and also two letters of representations; and (6) the 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 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.

Mr Evans then described the site advising that the application site is an end-terrace property of a traditional style, offering accommodation across two storeys. The property is category B listed and sits at the western end of a curving crescent that addresses the junction of Westburn Road and Westburn Drive. A single vehicular access and shared driveway serves all properties in the crescent. Each property has its own rear garden (narrowing to the far end), and there is also a shared green beyond. The property's roof is asymmetrically pitched, so it presents to the front as a single storey with dormer windows, but the rear elevation shows a full two masonry storeys, with a higher wall head and shallower pitch to the rear roofslope. To the west of number 1 is a private lane which runs to the north, serving garages to the rear of properties on Westburn Drive. An access has been formed in the western boundary wall, which allows car parking within the rear garden. The site is located in the Rosemount and Westburn Conservation Area.

In terms of the appointed officer's reasons for refusal, Mr Evans made reference to the following factors in the decision notice:-

- not designed with due consideration for context – refers to volume, detail, excessive scale and projection;
- negative impact on the appearance of the building;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

27 February 2019

- detracts from character and integrity of the listed building and setting of the terrace;
- disrupts the rhythm and pattern of the development to the rear of the terrace;
- there is an adverse impact on character of wider Conservation Area; and
- conflicts with H1 (residential areas) and D1 (Quality Placemaking by Design).

In relation to the appellant's case, Mr Evans highlighted the following from the Review statement:-

- goes through email exchanges with officers since initial pre-application discussions.;
- draw attention to the planning authority's characterisation of the rear wing as an 'extension', and highlight plans of the property from 1889 which indicate that it is an original part of the building, and therefore should not be considered included in any assessment of cumulative extension to the property;
- notes that number 1 was built as a standalone building, with the remaining 12 buildings in the crescent added 2 years later;
- criticises the negative tone of pre-application advice and ultimately ACC's refusal to enter into further dialogue;
- states that the volume, scale and projection of the proposal have been influenced by the planning authority's advice that a new opening in the boundary wall would not be supported;
- highlights that efforts to purchase a garage in the area have been restricted by the insufficient length of those garages to accommodate a large modern vehicle;
- putting sun room/utility extension in without separate garage would leave the residents with no private parking space;
- notes differences between this property and the remainder of the terrace;
- contends limited wider impact due to the location adjacent to lane;
- highlights that the decoration and adornment of the building is to its front elevation – the rear is more utilitarian; and
- contends that the quality of this extension is much more appropriate to its context than many approved in the past.

In terms of consultee responses, Mr Evans advised that the Roads Development Management Team objected to the application on the grounds that the garage does not achieve the 5.7m aspect internally, as stipulated in the council's Transport and Accessibility SG. Mr Evans also stated that one letter of objection was received and one that was in support

Mr Evans indicated that the applicant had expressed the view that further procedures were required before determination.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. The Chairperson stated that she wished a site visit 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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
27 February 2019

- **COUNCILLORS JENNIFER STEWART AND MARIE BOULTON,**
Chairpersons

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
27 February 2019