

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

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

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

REPLACEMENT OF ROLLER SHUTTER ACCESS GATE (RETROSPECTIVE) - 85 BLENHEIM PLACE ABERDEEN - 181008

1. With reference to its meeting of 5 December 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 the replacement of a roller shutter access gate retrospectively at 85 Blenheim Place Aberdeen, 181008/DPP.

Councillor Boulton, as Chairperson, advised that the procedures previously outlined by the Clerk at the meeting of 5 December 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.

Mr Evans then described the site advising that the site comprised an end-terrace 2-storey traditional granite property on the western side of Blenheim Place, just south of Desswood Place. The building incorporated both numbers 85 and 87 Blenheim Place, with a circa 30m long garden to the rear. The rear garden was enclosed by a boundary wall, however the boundary with the rear lane was defined by an existing double garage, the roller shutter that is subject of this application and a timber pass gate. Mr Evans also advised that the site lies within the Albyn Place/Rubislaw Conservation Area.

Mr Evans explained that planning permission was sought retrospectively for the installation of a roller shutter gate opening onto the rear lane. The gate was finished in black coated steel with its housing finished in a black painted timber. The shutter and its housing box protrude above the level of the adjoining boundary wall, with the housing box visible in views on approach along the lane from either direction.

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

- The size, design and materials fail to enhance or preserve the character of the Conservation Area;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

13 December 2018

- The proposal would not accord with HESPS, SPP, or policy D4 (Historic Environment) of the Aberdeen Local Development Plan;
- The proposal (by virtue of its size, design and materials) would have an unacceptable impact on both character and amenity of the surrounding area
- It would not accord with policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the ALDP.
- Lastly, that approval would create an undesirable precedent for similar proposals, cumulatively resulting in erosion of the traditional character of the CA.

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

- The previous roller gate was replaced with a shutter-type because the earlier gate was causing structural damage to the garage and boundary wall;
- Self-supporting roller-shutter was seen as better option from safety perspective;
- Automatically operated, so minimises obstruction on public road and the shutter itself would not protrude out into the lane;
- Applicant was unaware when carrying out works that these would require planning permission;
- Argue that the proposal is 'wholly in context' with the character of this lane;
- Would not create precedent as there are already gates of similar design on the lane.

In terms of consultee responses, Mr Evans advised that there were no responses from consultees or neighbouring properties.

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

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

- Scottish Planning Policy (SPP)
- Historic Environment Scotland Policy Statement (HESPS)
- Aberdeen Local Development Plan (ALDP)
 - H1: Residential Areas;
 - D1: Quality Placemaking by Design;
 - D4: Historic Environment
- Supplementary Guidance
- Householder Development Guide
- Albyn Place / Rubislaw Conservation Area Character Appraisal

Mr Evans noted that if Members wished to overturn the decision of the appointed officer, that consideration should also be given to any conditions which would be appropriate in order to make the proposal acceptable, but noted that all conditions must meet the six tests set out by Scottish Government policy.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 December 2018

The Local Review Body then asked questions of Mr Evans.

Following discussion, 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 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:-

The Local Review Body considered that the proposed development would not result in adverse impact on the character or appearance of the Conservation Area. Whilst it was noted that the materials were not ideal, and the manner in which the shutter protrudes above the level of the boundary wall was unusual, members noted that the construction of an enlarged garage, recently approved within the site, would serve to screen the shutter's box housing on approach from the south. The Local Review Body noted also that the works have taken place on a rear lane which is characterised by considerable variation in the style, size and design of garages and outbuildings and, in that context, the proposed shutter would not be incongruous or harmful to the character and amenity of the area. In this regard, it was considered that the proposal would accord with the provisions of policies D1 (Quality Placemaking by Design), D4 (Built Heritage) and H1 (Residential Areas) of the Aberdeen Local Development Plan, along with the associated 'Householder Development Guide' Supplementary Guidance.

- **COUNCILLOR MARIE BOULTON, Chairperson**

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
13 December 2018