

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 13 August 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Mason and Wheeler.

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

11 GORDON ROAD ABERDEEN - 190575

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 gable extension, single storey extension/decking with external steps and an extension of the dormer to the rear, alterations to the boundary wall and fence replacement at 11 Gordon Road Aberdeen, planning reference 190575.

Councillor Boulton as Chair, gave a brief outline of the business to be undertaken, advising 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 Mr Nicholas Lawrence, Senior Planner (2) the application dated 3 April 2019; (3) the decision notice dated 24 May 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) a letter of representation.

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.

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Mr Evans explained that the site in question was a residential plot, located on the eastern side of Gordon Road, approximately 50m south of its junction with Craighton Road.

Mr Evans then described the site and advised that the dwelling and its adjoining semi-detached neighbour, were of a hipped-roof style, and each featured a hipped-roof dormer window on the front elevation to Gordon Road, along with flat roofed dormers to the rear. A driveway ran down the side of the application property, giving access to a garage located beyond the rear wall of the house. There was also an existing flat-roofed porch to the rear. The properties were constructed in a combination of grey and pink granite, with slated roofs. The adjoining neighbour has a flat-roofed single storey extension to the side.

Mr Evans then outlined the applicant's proposal making reference to the history of the site and outlined the appointed Officer's reasons for refusal as follows:-

The extension would harm the currently matching appearance of this pair of semi-detached houses, and would also harm the character and appearance of the wider area, contrary to policies D1 and H1 of the Aberdeen Local Development Plan, its associated 'Householder Development Guide' Supplementary Guidance, and the national guidance contained in Scottish Planning Policy and Planning Advice Note 67 on Housing Quality.

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

- (1) Highlighted that the Appointed Officer's report raised no objections to the single-storey rear extension or the area of decking;
- (2) Contended that the planning authority's verbal advice differed from that subsequently given in writing;
- (3) Provided analysis of the surrounding context, based upon the Appointed Officer's stated reasons for refusal, and concluded that the officer's observations of the local area were flawed; and
- (4) Contended that extensions at 26 Craighton Road and 7 Craighton Avenue were strikingly similar, but were discounted by the Appointed Officer's report.

In relation to consultation, Mr Evans indicated that there were no comments from statutory consultees.

Mr Evans advised that one letter of representation had been received from Aberdeen Civic Society and they objected on the basis that it would disrupt the traditional nature of the street elevation, and encourages Aberdeen City Council to control this type of development in order to retain the character of such streets. They also noted that proposals of this type were becoming more prevalent.

Mr Evans indicated that the applicant had indicated on the Notice of Review that no further procedure was required, and that the application could be determined without further procedure.

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The Chairperson and Councillors Mason and Wheeler advised in turn that they would all had enough information to proceed without further procedure and were content to make a decision today without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development) and D1 (Quality Placemaking by Design). Mr Evans also highlighted the Householder Development Guide, Supplementary Guidance and noted the general principles of:-

- Proposals should be architecturally compatible in design and scale with the original house and surrounding area;
- Extensions should not dominate or overwhelm the original house;
- Extensions should remain visually subservient;
- 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 the guidance was introduced would not be accepted as justification in support of proposals that otherwise fail to comply with these criteria;
- The footprint of a dwelling (as extended) should not exceed twice that of the original house; and
- No more than 50% of the front or rear curtilage may be covered by development

Mr Evans also provided details on hipped roofs and explained that modifying only one half of a hipped roof was likely to result in the roof having an unbalanced appearance and noted that extending a hipped roof on one half of a pair of semis to terminate at a raised gable would not be accepted unless the other half had already been altered in this way, or the proposal would not, as a result of the existing streetscape and character of the buildings, result in any adverse impact on the character or visual amenity of the area.

The Chairperson and Councillors Mason and Wheeler advised in turn and agreed by majority 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. Councillor Mason voted to uphold the appointed officers decision to refuse the application and the Chairperson and Councillor Wheeler voted to approve the application conditionally.

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:-

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The Local Review Body noted that the principle of extending a dwelling in a residentially zoned area is accepted by policy H1 of the Local Development Plan. Members noted that there is some variety in roof styles and earlier means of extension in the surrounding area, including examples which are very similar to this proposal. Members expressed support for this proposal's retention of a partial roof hip, and considered that the alteration to the roof profile and its relationship to the adjoining property would not be sufficient to adversely affect the character of the wider area. On this basis the LRB concluded that the proposal would accord with the relevant provisions of the development plan, namely policies D1 (Quality Placemaking by Design) and H1 (Residential Areas), as well as the Council's 'Householder Development Guide' Supplementary Guidance.

CONDITIONS

- (1) No development pursuant to this grant of planning permission shall be commenced unless full details of the materials and finishes of the roof and walls of the extension have been submitted to, and agreed in writing by, the planning authority. Thereafter, development shall be carried out in full accordance with the details so agreed – in the interests of visual amenity.
- (2) The approved extension shall not be brought into use unless off-street car parking has been provided in accordance with drawing GR004 – in the interests of ensuring adequate provision of car parking within the site, in accordance with policy T2 (Managing the Transport Impact of Development) of the Aberdeen Local Development Plan and the associated 'Transport and Accessibility' Supplementary Guidance.

107 HILTON ROAD - 190594

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 a single storey extension to the rear and 1.5 storey extension to the gable at 107 Hilton Road Aberdeen, 190594/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.

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In relation to the application, the LRB had before it (1) a delegated report by Sheila Robertson, Planning Technician; (2) the application dated 9 April 2019; (3) the decision notice dated 5 June 2019 (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 agent along with an accompanying statement.

The Local Review Body then heard from Mr Evans, who explained 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 application and explained that planning permission was sought for the erection of an extension to the side and rear, which comprised two separate elements, at 107 Hilton Road Aberdeen. A 1.5 storey gable extension and a single storey extension to the rear. The gable extension would be 2.2m in width and would extend along the full length of the gable to within 169mm of the frontage with a pitched roof sitting 228mm below the existing ridge. The gable extension would be constructed with granite ashlar blocks to the front and rear elevations and roughcast to the gable wall. To the rear the extension would be single storey, 4.47m in width and with a projection of 2.25m from the original dwelling and would extend across the new extension and part of the original rear elevation. The roof would also be flat and 2.6m in height.

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

- The gable extension would be architecturally incongruous in the context of both the original dwelling and the surrounding area;
- The proposal would have an adverse impact on the character and visual amenity of the surrounding area;
- There would be an architectural imbalance between the application property and the adjoining hipped roofed property and contended that this imbalance would disrupt the uniform character of the hipped roofed properties on Hilton Road and create a disruptive architectural feature within a street that otherwise retains its original form and character;
- Identified direct conflict with Aberdeen City Council's 'Householder Development Guide' Supplementary Guidance;
- The lack of consideration for its context was seen as being to the detriment of residential character and visual amenity, and therefore the application is considered to be contrary to the Aberdeen Local Development Plan's Policies D1: Quality Placemaking by Design and H1: Residential Areas;
- Noted the potential for approval to risk a precedent for similar proposals being granted and highlights the cumulative effect if such proposals were repeated in the surrounding area; and
- Concluded that the proposal did not accord with the Development Plan, and identified no material planning considerations that would warrant a grant of planning permission contrary to the local plan policies and guidance.

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

- Contended that the proposal was supported by the vision of the Strategic Development Plan;
- Argued that it complied with the Local Development Plan, which included policies H1, H3, D1 and relevant Supplementary Guidance;
- Was supported by other material considerations, including Scottish Planning Policy, a previous permission granted in 2005, and Permitted Development rights applicable to dwellinghouses; and
- Argues that there was a variety of dwelling types and forms (flats, terraced houses, etc), so there was no particular uniformity to be interrupted by this extension.

In relation to consultee responses, Mr Evans advised that none were received and no letters of representation were received either.

Mr Evans then advised that the applicant had expressed the view that no further procedure should take place, and that the application should be determined without further procedure.

The Chairperson and Councillors Mason and Wheeler advised in turn that they each had enough information before them and agreed that no further procedure was required and that the review under consideration should be determined without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development) and D1 (Quality Placemaking by Design). Mr Evans also highlighted the Householder Development Guide, Supplementary Guidance and noted the general principles of:-

- Proposals should be architecturally compatible in design and scale with the original house and surrounding area;
- Extensions should not dominate or overwhelm the original house;
- Extensions should remain visually subservient;
- 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 the guidance was introduced would not be accepted as justification in support of proposals that otherwise fail to comply with these criteria;
- The footprint of a dwelling (as extended) should not exceed twice that of the original house; and
- No more than 50% of the front or rear curtilage may be covered by development

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The Chairperson and Councillors Mason and Wheeler advised in turn and 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 gable extension would appear architecturally incongruous with the original dwelling and the surrounding area, and would have an adverse impact on the character and visual amenity of the surrounding area as it would result in architectural imbalance between the application property and the adjoining hipped roofed property, which would disrupt the uniform character of the hipped roofed properties on Hilton Road and create a disruptive architectural feature within a street that otherwise retains its original form and character. This is in direct conflict with the Supplementary Guidance: 'The Householder Development Guide'. It would appear out of context and have a negative design contribution on its setting, to the detriment of residential character and visual amenity and the application is therefore contrary to the Aberdeen Local Development Plan Policies D1: Architecture and Placemaking and H1: Residential Areas, of the Aberdeen Local Development Plan and the relevant Supplementary Guidance: Householder Development Guide. Furthermore, it could set a precedent for similar proposals being granted under current policies and guidance which, cumulatively, would have a significant adverse impact on the character and visual amenity of the surrounding area. In this instance, there are no material planning considerations that would warrant a grant of planning permission, contrary to the local plan policies and guidance.

7 AIRYHALL TERRACE ABERDEEN - 190128

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 erection of a fence to the front and rear at 7 Airyhall Terrace Aberdeen, planning reference 190128/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.

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In relation to the application, the LRB had before it (1) a delegated report by Mr Roy Brown, Planning Technician; (2) the application dated 25 January 2019; (3) the decision notice dated 8 March 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 agent along with an accompanying statement and (6) copies of letters of representations.

The Local Review Body then heard from Mr Evans, who explained 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 application site and explained that the site contained a 1½ storey semi-detached dwelling with associated front and rear gardens and the site was triangular and located on a corner plot at the junction of Airyhall Place and Airyhall Gardens.

Mr Evans noted that a fence varying between 2m and 2.2m in height had been erected without planning permission on the northeast, north and west boundaries. Prior to its erection, there was an original approximately 0.6m high concrete boundary wall on these boundaries and a hedge along the building line of the principal elevation to the northwest of the elevation, which divided the front curtilage with the private rear curtilage.

In regards to the proposal, Mr Evans advised that detailed planning permission was sought for the erection of a timber fence to the front and side of the dwelling enclosing the garden to the side of the house and separating it from the driveway/off-street car parking at the front. The short section that was flush with the front wall of the house would be 1.9m in height and would sit on top of a 0.3m existing masonry wall, which would result in an overall height of 2.2m. The remainder of the fence, which enclosed the side garden and abuts the pavement, would measure 1.5m in height.

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

- The fence was incongruous in design, siting, scale and height when considered in the context of the dwelling and the surrounding area;
- There was an adverse impact on the street scene, to the detriment of the character of the area;
- There was the potential for adverse precedent for other such high fences on the streetscape; and
- It conflicted with D1 (Quality Placemaking by Design) and H1 (Residential Areas), as well as the guidance contained in the Householder Development Guide Supplementary Guidance.

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

- The boundary fence was intended to allow for the rear/side garden to be a safe and private place for the applicants' children to play; and

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- Notes that other corner sites along Airyhall Place had a combination of walls and fences of comparable or greater height.

In relation to consultee responses, Mr Evans advised that no objections were received, however the Braeside and Mannofield Community Council asked that there be a reduction in height from the previous application and requested that sightlines be maintained after erection of the fence. There were 25 letters of objections in regards to the application. The reasons stated included the following:-

- There would be a negative impact on road and pedestrian safety, specifically visibility splays when turning right from Airyhall Gardens onto Airyhall Place. Airyhall Place was highlighted as being a thoroughfare for children walking to Airyhall Primary School;
- The application was not in compliance with recommended planning regulations of being 1m in height, given its proximity to the road;
- The existing fence had been allowed to remain for the past 6 months without recourse;
- Request that the Roads authority undertake an assessment of the height of the fence relative to road and pedestrian safety and visit the site; and
- requested that the Planning Development Management Committee (PDMC) visit the site.

Mr Evans then advised that the applicant had expressed the view that further procedure should take place by way of a site visit.

The Chairperson and Councillors Mason and Wheeler advised in turn that they each had enough information before them and agreed that no further procedure was required and that the review under consideration should be determined without further procedure.

Mr Evans outlined in detail, the relevant policy considerations, making reference to the Aberdeen Local Development Plan 2017, namely policy H1 (Residential Areas: Householder Development) and D1 (Quality Placemaking by Design). Mr Evans provided details on specific content on boundary enclosures and noted that in all instances, the scale and form of boundary enclosures should be appropriate to their context and should not detract from the street scene as a result of inappropriate visual impact, and also proposals for boundary enclosures would not be permitted where they would result in an unacceptable impact upon the amenity of neighbouring dwellings.

The Chairperson and Councillors Mason and Wheeler advised in turn and 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

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(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 fence would be incongruous in design, siting, scale and height to the original building and the surrounding area. Because of its height, the proposed fence would have a detrimental impact on the street scene which would have an adverse impact on the character of the surrounding area. The grant of planning permission for such a proposal could also set a negative precedent for similar development which would be significantly detrimental to the character of the surrounding area. The proposal would therefore conflict with Policies D1 - Quality Placemaking by Design and H1 - Residential Areas of the Aberdeen Local Development Plan; and the Supplementary Guidance: 'The Householder Development Guide'. There are no material planning considerations that warrant the grant of planning permission in this instance.

- **Councillor Marie Boulton, Convener**

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