

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

10 December 2019

ABERDEEN, 10 December 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Bell and Duncan.

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

ERECTION OF 2 STOREY EXTENSION TO REAR AND TIMBER FENCE AND GATE TO SIDE - 57 LOUISVILLE AVENUE ABERDEEN - 191253

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 rear and timber fence and gate to the side at 57 Louisville Avenue Aberdeen, Planning Reference 191253/DPP.

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 Roy Brown, Planning Trainee; (2) the application dated 12 August 2019; (3) the decision notice dated 25 October 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 applicant's agent 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 which comprised an early-mid twentieth century 1 ½ storey detached granite dwelling in a residential area and its associated front and rear curtilage. The dwelling had a northeast facing principal elevation that fronted Louisville Avenue and adjoined 55 Louisville Avenue to the southeast. Mr Evans noted that

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planning permission had been granted in July 2018 for the erection of a pitched roofed extension over two levels however this had not been implemented.

In regard to the proposal, Mr Evans explained that planning permission had been sought for the erection of a flat roofed two storey extension to the rear of the property. A high timber fence and gate was also proposed to the side of the property, to separate the front and rear gardens.

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 flat roofed two storey form of extension was not architecturally compatible with the original 1½ storey gable-roofed form of 57 Louisville Avenue;
- It would have a detrimental impact on the character and visual amenity of the surrounding area;
- Approval could set an unwelcome precedent which, if repeated, would be to the detriment of the character and visual amenity of the surrounding area;
- The proposal conflicted with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan;
- It also conflicted with the 'Householder Development Guide' Supplementary Guidance; and
- There were no material planning considerations that warrant the grant of planning permission in this instance.

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

- Notes that the earlier consent represented multiple concessions from the client;
- Once BW considerations factored in, that scheme lost much headroom and useable floorspace – leading to redesign;
- Flat roof option allows for useable floorspace and headroom to be maintained;
- Reference made to various pre-app exchanges with officers – contends that advice based on 'personal preferences' rather than any policy conflict;
- Focus on distinction between what is described as 1.5 storey or 2 storey extensions;
- Highlights that the current proposal is:
 - Of less floor area than previous approval
 - Projection to rear is less
 - Is lower than previous approval
 - Is of less height than existing dormer window to rear
 - Is of less mass than the previous approval;
- Contends that the proposal does accord with the ALDP and Supplementary Guidance;
- Argues that refusal on the basis of precedent was inconsistent with officers refusal to accept earlier similar approvals as justification.

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

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Mr Evans indicated that the applicant had indicated that no further procedure was required before determination of the application.

The Chairperson and Councillors Bell and Duncan 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), D1 (Quality Placemaking by Design) and Supplementary Guidance, Householder Development Guide. The general principles of the Supplementary Guidance are:-

- 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 this 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 should be covered by development;

Members of the Local Review Body then asked various questions of Mr Evans.

The Chairperson and Councillors Bell and Duncan advised in turn and unanimously agreed to overturn the original the decision of the appointed officer to refuse the application and therefore 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:-

The LRB noted that the dwelling sits within a large plot, where there is limited visibility of the rear elevation. Whilst it was noted that the extension is of a contemporary, flat-roofed style, members considered that the context of the site is such that there would be no significant adverse impact on the character or amenity of the surrounding residential area, as required by policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP), and that the extension would be architecturally compatible with and visually subservient to the original

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dwelling, as stipulated by the relevant 'Householder Development Guide' Supplementary Guidance. It was noted also that the overall height and footprint of the extension would be less than that previously approved on this site, and that there would be no adverse impact on privacy or daylight to neighbouring properties. The lack of objection from members of the public and consultees was also recognised. In order to ensure compliance with policy D1 (Quality Placemaking by Design), it was considered necessary to attach a condition requiring further details of finishes and materials prior to commencement. In conclusion, the Local Review Body considered that the proposed development would accord with the provisions of the Development Plan.

CONDITION

No development pursuant to this grant of planning permission shall be undertaken unless further details of the materials to be used in the roof and walls of the extension as well as the approved fence and gate (including submission of physical samples) have been submitted to and agreed in writing by the planning authority. Thereafter, all works shall be carried out using the materials so agreed.

Reason: In order to ensure that materials are appropriate to their context, in accordance with policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan

Councillor Marie Boulton, CHAIRPERSON