

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 7 March 2019. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Copland and Donnelly.

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

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

1. With reference to its meeting of 27 February 2019, 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 erection of a single storey extension and garage to the side and rear of 1 Argyll Crescent Aberdeen, 181557/DPP.

Councillor Boulton, as Chairperson, advised that the procedures previously outlined by the Clerk at the meeting of 27 February 2019 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 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;

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- 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 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 advised that the relevant planning policies were as follows:-

- H1 – Residential Areas: Householder Development should:
 - Not constitute overdevelopment

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- Not result in an unacceptable impact on the character and amenity of the surrounding area;
 - Not result in the loss of valuable and valued areas of open space
 - Comply with Supplementary Guidance
- D1 – Quality Placemaking by Design: Requires development to be of a high standard of design, which demonstrates an understanding of its context.
 - D4 – Historic Environment – the Council will protect, preserve and enhance the historic environment in line with Scottish Planning Policy, Scottish Historic Environment Policy and its own Supplementary Guidance and Conservation Area Character Appraisals and Management Plan.

For the Supplementary Guidance in regard to the Householder SG, the general principles are:-

- Proposals should be architecturally compatible 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.;
- 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; and
- No more than 50% of front or rear curtilage should be covered by the development.

In relation to rear extensions, on semi-detached properties, these will be limited to 4m in projection along a mutual boundary and 3m for terraced properties.

Transport and Accessibility SG sets out that, when calculating parking provision, the minimum acceptable external size of a new single garage is 6.0m x 3.0m, with internal dimensions of no less than 5.7m x 2.7m.

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.

Following discussion, Members agreed by a majority of two to one 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, subject to the following condition:-

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No development pursuant to this grant of planning permission shall be undertaken unless a scheme detailing materials and finishes to the wall and roof of the extension has first been submitted to, and approved in writing by, the planning authority.

For the avoidance of doubt, any such scheme shall include both annotated plans and physical samples detailing materials/finishes of:

- Roof slates (including specification for roof ridge detailing)
- Rainwater goods;
- Granite (including confirmation of source of reclaimed stone and details of cut/finish/block size)
- Timber cladding (including a 1:10 drawing detailing the junction of roof and wall/timber cladding on the Eastern elevation)
- Detailed specification for all new doors (including garage door), windows and rooflights.

Thereafter, all works shall be carried out in full accordance with the details so agreed.

Reason: In order to ensure that materials and finishes are of an appropriate quality to safeguard the special architectural and historic interest of the building, as required by policy D4 (Historic Environment) of the Aberdeen Local Development Plan.

In coming to their decision, the Chairperson and Councillor Donnelly made reference to the scale of the development and felt that it was not overdevelopment for the area and by retaining the gates it would obscure the garage visibly. They also felt that it would not impact on the character or appearance of the wider Rosemount and Westburn Conservation Area and would not impact on the rhythm of the terrace at Argyll Crescent.

Councillor Copland supported the appointed officer's decision to refuse the application, as he considered that the application was out of character for the area and conflicted with Policy H1.

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 (LRB) noted conflicts with some areas of relevant policy, and considered this to be a finely balanced case. The LRB's site visit was considered to be beneficial, and following this members concluded that the proposal

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would have no significant impact on the character or appearance of the wider Rosemount and Westburn Conservation Area, and would not adversely affect the rhythm of the terrace at Argyll Crescent or its distinctive radial pattern. It was also noted that the visual impact of the extension is limited by its location on a secondary elevation, and the screening afforded in views from the Westburn Road frontage. It was also noted that the adjacent lane offers no through route, and therefore the extension would not be highly prominent from busy public vantage points. Whilst previous refusals on this site were noted, the past decision to allow in-curtilage car parking to the rear was seen to give weight in support of approval. The scale of the proposed extension was considered acceptable, and not to represent an overdevelopment of the plot. Whilst it was noted that the internal dimensions of the garage car parking space would fall below the specifications of the Council's Transport and Accessibility Supplementary Guidance, members concluded that this was only be a small amount, and that the applicant clearly considered this to meet his needs. The historic nature of the existing rear extension/rear wing was also noted, in the context that this might reasonably be treated as part of the original form of the building for the purposes of assessment against the Council's Householder Development Guide Supplementary Guidance. On balance, members considered the proposal to accord with the provisions of the Development Plan.

- **COUNCILLOR MARIE BOULTON, Chairperson**

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