

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 16 January 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Allan and Avril MacKenzie.

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

### **59 DESSWOOD PLACE - ERECTION OF TWO STOREY EXTENSION, REPLACEMENT DORMER AND FORMATION OF DOOR TO THE REAR, FORMATION OF TWO OPENINGS IN SIDE BOUNDARY WALL TO FORM GATED ENTRANCES AND DRIVEWAY TO THE REAR - 190884DPP**

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, replacement dormer and formation of door to the rear, formation of two openings in side boundary wall to form gated entrances and driveway to the rear at 59 Desswood Place, Aberdeen, Planning Reference 190884/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, Mr Mark Masson 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 Mr Masson, 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 31 May 2019; (3) the decision notice dated 23 August 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) letters 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 then described the site advising that it was a traditional 1½ storey granite semi-detached property on the southern side of Desswood Place, facing onto that street and located at its junction with a rear lane which served properties on Blenheim Place and Fountainhall Road.

He indicated that the property spans 1½ storeys advising the upstairs accommodation was in the roof space, with significant alteration and extension evident to the rear. There was a more recent rendered extension added on to a traditional granite and slate offshoot, which may have been an original feature of the property. There were two dormers located on the front elevation and one on the rear, with a further dormer on the existing rear extension facing the site onto the lane.

He advised that the site was situated within the Albyn Place & Rubislaw Conservation Area.

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:-

- Two storey extension would be architecturally incongruous in relation to the original dwelling;
- Noted that the side/rear elevation was highly visible, such that the extension would be detrimental to the character of the wider conservation area;
- Potential to set an unwelcome precedent for development of similar scale and design, to the further detriment of the conservation area;
- Conflict with Scottish Planning Policy, Historic Environment Scotland Policy Statement, and policies D1, D4, H1 of the Aberdeen Local Development Plan (ALDP), as well as Householder Supplementary Guidance and Historic Environment Scotland 'Managing Change' guidance on Extensions;
- Proposed raised decking would adversely affect privacy of the garden and living room at neighbouring 57 Desswood Place and conflict with policies H1 and D1 of the ALDP; and
- No material considerations that outweigh this and justify approval.

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

- (1) Provided extensive commentary on various exchanges both at Pre-Application stage and during the life of the application;
- (2) Contended that the proposal sat lower than the existing building and therefore is of an appropriate scale, compatible with the original house and the surrounding area;
- (3) Considered that this was a subservient addition to the existing dwelling, and due to its location to the rear was not prominent within the area;
- (4) Noted that the agents had offered to drop the decked area to a lower level or remove completely, or alternatively provide screening for the deck, highlighting the neighbour's lack of objection;
- (5) Contended that the first floor element of the proposal was no larger than the existing upper floor; and
- (6) Concluded that the proposal accorded with all aspects of the relevant policies.

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In relation to (1) above, Mr Evans advised that this was of no relevance to the LRB's consideration of the proposal and they should consider the application afresh on its own merits.

In relation to (4) above, Mr Evans explained that this did not reflect the current proposal being reviewed, and the Planning Authority considered this on the basis of its impact on residents now and in the future, not just the present occupants.

In relation to consultation, Mr Evans indicated that the Roads Team had no objection to the proposal and that there was no response from the local Community Council. Mr Evans advised that one letter of representation had been received.

Mr Evans indicated that the applicant had indicated on the Notice of Review that further procedure was required, recommending that one or more hearings be undertaken, however confusingly, the review statement then referred to a site visit also being required.

The Chairperson and Councillors Allan and MacKenzie advised in turn that they each had enough information before them and 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 in great detail referring to the Aberdeen Local Development Plan 2017, namely policies H1 (Residential Areas: Householder Development); D1 (Quality Placemaking by Design); D4 (Historic Environment); and Householder Supplementary Guidance (General Principles and Dormers).

He also made reference to Historic Environment Scotland guidance on Extensions from 'Managing Change in the Historic Environment Series' and Scottish Planning Policy relating to conservation areas.

Mr Evans 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 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 proximity of the dormer window to the edge of the property and the height of the extension.

**The Chairperson and Councillors Allan and MacKenzie 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 two storey rear extension would be architecturally incongruous by virtue of its design, massing, scale and form with the historic gable roofed form of the original dwelling, the prominent publicly visible rear elevation of the pair of semi-detached properties, and the surrounding area. The proposed extension would be detrimental to the character and appearance of the Albyn Place and Rubislaw Conservation Area. The grant of planning permission could set an unwelcome precedent for extensions in the conservation area of a design and scale that would be incongruous to the character and appearance of the conservation area. The proposed extension would therefore conflict with Scottish Planning Policy; Historic Environment Scotland Policy Statement; Policies D1 – Quality Placemaking by Design, D4 – Historic Environment and H1 – Residential Areas of the Aberdeen Local Development Plan, the Supplementary Guidance: ‘The Householder Development Guide’; and Managing Change in the Historic Environment: Extensions. The proposed raised decking would have a significant adverse impact on the level of privacy, and thus residential amenity afforded to the rear living room and the rear garden of 57 Desswood Place, in conflict with H1 – Residential Areas and Policies D1 – Quality Placemaking by Design 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.

### **14 HILTON WALK - FORMATION OF DRIVEWAY AND INSTALLATION OF HANDRAIL TO FRONT (RETROSPECTIVE) - 190487**

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 formation of a driveway and installation of a handrail to the front of the property at 14 Hilton Walk, Aberdeen, Planning Reference 190487/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 Roy Brown, Planning Trainee; (2) the application dated 16 April 2019; (3) the decision notice dated 5 September 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

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applicant along with an accompanying statement with further information relating to the application; and (6) a letter of representation from the Council's Roads Team.

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 residential plot containing a 1½ storey mid-terraced dwelling, set in a predominantly residential area. The dwelling faced onto Hilton Walk, and due to a change in ground levels across the site, the house was located approximately 2 metres higher than street level, with steps leading up to the house and raised gardens having been present prior to the unauthorised works to form this off-street parking.

He indicated that the front garden of both number 14 (application site) and the neighbour at number 15 Hilton Walk had been excavated to form a level surface for the formation of lock-blocked driveway, along with a 2-metre-high retaining wall and safety barriers above. Planning permission was required for these works and was not obtained prior to the works being undertaken. An application seeking permission retrospectively for number 14 Hilton Walk only had been refused, and it was the appointed officer's decision to refuse that application which was now before members of the LRB. It would be for the planning authority to decide what further action may be required in terms of the works at 15 Hilton Walk. The appointed officer's report highlighted that the plans indicated a Fyfestone wall, however the works undertaken included a rendered finish.

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

- the works would visually dominate the street elevation of the property, and are incongruous in the context of this terrace due to their significant height and scale, and also the loss of the soft landscaping previously present;
- As a result, the proposal adversely affected the character and visual amenity of the area; and
- If similar proposals were to be repeated in the surrounding area, this could further erode the character and amenity of the area, contrary to the aims of policy D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Delivery Plan.

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

- (1) The review statement highlighted that the applicant was a pensioner who suffered from walking difficulties and now relied heavily on his car;
- (2) He had experienced increasing difficulty in parking close to his property due to heavy parking demand on Hilton Walk.
- (3) This demand had increased since flats were built directly opposite. He had also found it increasingly difficult to maintain the sloping garden to the front;
- (4) The off-street parking provision gave him immediate access to his house and helped reduce the parking problems existing on the street; and

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(5) The Applicant was unaware planning permission was required, having seen similar driveways in the local area;

In relation to (4) above, Mr Evans advised that this was incorrect in so far as it loses one on-street space that could be used by anyone.

In relation to (5) above, Mr Evans intimated that although there were driveways located there, it did not mean that permission was not required, in addition, Pre-Application advice had been sought in April 2019 indicating that permission would be required and that a driveway could be supported, subject to minimal intervention and retention of some garden ground.

In relation to the consultee response, Mr Evans advised that the Council's Roads Team indicated that they had no objection to the proposal provided that the driveway complied with various standards relating to dimensions, materials and drainage. The appointed officer's report recognised that the driveway met those requirements.

Mr Evans indicated that no representations were received.

Mr Evans then advised that the applicant had expressed the view that further procedure was not required, and that the review may proceed on the basis of their written submissions.

The Chairperson and Councillors Allan and MacKenzie advised in turn that they each had enough information before them and agreed that a site visit was not 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), policy D1 (Quality Placemaking by Design) and Transport and Accessibility Supplementary Guidance.

**The Chairperson and Councillors Allan and MacKenzie advised in turn and unanimously agreed 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 unconditionally.**

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 Local Review Body noted that the works in question have already been carried out and that planning permission is sought retrospectively. Members noted that the driveway would be internally drained and would meet technical

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specifications set out in the Council's Transport and Accessibility Supplementary Guidance. Whilst it was recognised that the provision of this off-street parking would result in the loss of an on-street space, and that there is a degree of conflict with policy in that respect, members were nevertheless satisfied that the proposal would not detract from the character or amenity of the street or the surrounding area. It was recognised that it would have been difficult to retain any meaningful area of the original garden ground whilst accommodating off-street parking, and also that no objection had been made by the Council's Roads Development Management Team. The prevalence of other driveways in the surrounding area, some of which have resulted in the removal of sloping gardens and the formation of retaining walls, was considered to be such that there would be no significant adverse impact. On this basis, members considered that the proposal demonstrated sufficient compliance with the development plan, and determined that planning permission should be granted unconditionally.

**- COUNCILLOR MARIE BOULTON, Chairperson**

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