

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 5 February 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Stewart, Chairperson, the Depute Provost; and Councillors Stewart, Avril MacKenzie and Wheeler.

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

20 KIRK CRESCENT SOUTH, ABERDEEN - 190691

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 single storey extension to the rear with terrace above and external access stairs at 20 Kirk Crescent South, Aberdeen, Planning Reference 190691/DPP.

Councillor Stewart 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 Ross McMahon, Planner; (2) the application dated 24 April 2019; (3) the decision notice dated 11 October 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.

Mr Evans then described the site advising that it was a one-and-a-half storey detached dwelling with a western facing principal elevation. The property had an integrated

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single garage covered within the 1989 grant of planning permission and there was a large rear garden to the east of the property.

He indicated that the site was bounded to the north by 5 Kirk Drive, a two-storey dwelling with its principal elevation to the north and its garden area to the west rather than the rear of the dwelling. In terms of characterisation, no one style or form of dwelling was prevalent in the area and there had been extensions to dwellings in the area, and principally these were to the rear and typically single-storey. Mr Evans also explained that the site was located in a Residential Area in the Local Development Plan 2017.

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 proposed development by reason of its composition, form, mass, scale and height would harm the character of the original dwelling and would dominate the form of the host dwelling and would constitute over development;
- The proposed roof top terrace would adversely affect the living conditions of neighbouring residents with regard to privacy and overlooking adjacent private amenity space which were contrary to policies D1 and H1; and
- There were no material planning considerations of sufficient weight that would warrant approval of the application.
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In relation to the appellants case, Mr Evans highlighted the following:-

- (1) The property had not been extended or altered for 30 years;
- (2) The proposal allowed for the formation of a modern living/kitchen/dining area, as well as allowing for a bedroom to be located on the ground floor, offering greater accessibility in the future;
- (3) Highlighted the presence of high fencing and hedging/landscaping which almost completely screens the rear of the property;
- (4) Contended that the proposal does comply with the general principles set out in the Householder Development Guide, Supplementary Guidance;
- (5) Suggested that the weight placed by the appointed officer on the criteria relating to the doubling of the original dwelling's footprint was undue given the scale of the extension proposed and the size of the site; and
- (6) Highlighted the lack of objection from any neighbours on the basis of scale.

In relation to consultation, Mr Evans indicated that Culter Community Council submitted two separate submissions. The first of these noted that privacy had been highlighted as a key factor by a neighbouring resident and noted that the neighbour had stated no objection to an extension in principle. The Community Council advised they would leave to planning officers to assess the privacy impact. However in June, the Community Council noted that they had met with the applicant at his property and been reassured of his intention to address any such impacts, indicating that the neighbour's view concerns could be overstated.

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Mr Evans advised that one letter of representation had been received from 5 Kirk Drive and the main concerns were in regard to the roof terrace for reasons of invasion of privacy and loss of amenity.

Mr Evans indicated that the applicant had indicated on the Notice of Review that further procedure was required, recommending that a site visit be undertaken before determination of the application.

Councillors MacKenzie and Wheeler advised in turn that they would like a site visit to be held before determination of the application. The Chairperson advised that she had enough information to determine the item without a site visit.

At this point, the LRB considered whether they had sufficient information before them to proceed to determine the review. By way of majority, the Local Review Body agreed to hold a site visit for the application and the date would be agreed in due course.

TIGH NA STRUAN - 190950

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 and decking to the rear and replacement roof to the existing front extension, at Tigh Na Struan, Aberdeen, Planning Reference 190950/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 Ross McMahon, Planner; (2) the application dated 13 June 2019; (3) the decision notice dated 7 November 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) a letter of representation from an individual.

The LRB was then addressed by Mr Evans who advised that when the Clerk wrote to the individual who submitted a letter of support for the application, to advise of the review, that he then submitted further letters of support from individuals. Mr Templeton, Solicitor, explained that it was for the Local Review Body to decide if these letters should be (a) be accepted as the persons concerned did not originally make representations and (b) any issues raised in them would need to meet the statutory test

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to be accepted as they would be classed as new information. Members agreed unanimously to accept these letters, were content that they met the statutory test, and to note that they would be considered as part of the review.

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 site as located on the corner of School Road and Bucklerburn Road within the settlement of Peterculter and comprised Tigh Na Struan, a sub-divided cottage and its associated northern section of Bucklerburn Cottage. The property had been extended on its eastern side, facing School Road by way of a single-storey extension and to the west by way of a sun lounge and small porch. The property had an expansive garden located to the west of the dwelling, which sloped down to a culverted section of the Buckler Burn, a tributary of the Culter Burn. Finally Mr Evans advised that a number of small ancillary buildings which included sheds and greenhouses were located to the west of the site, where it sloped down towards the Buckler Burn.

In regards to the proposal, Mr Evans explained that planning permission was sought to extend to the rear (west) elevation of the property by way of a single-storey extension which comprised a duo-pitched, gable roof projection and a predominantly flat roofed section to the south between the gable projection element and the neighbouring property, Bucklerburn Cottage. It was also proposed to provide a decked area to the rear, and to replace an existing flat roof with a hipped roof.

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

Whilst the development would not result in any adverse impact in terms of residential amenity or on any designated sites, the proposed rear extension by reason of its composition, form, mass, scale and height would harm the character of the original dwelling and when read with the exercised development, would dominate the form of the host dwelling and would constitute overdevelopment. In addition, the proposed development would harm the character and appearance of the area. The proposed development therefore conflicts with policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2017 and the Council's Supplementary Guidance: Householder Development Guide. There were no material planning considerations of sufficient weight that would warrant approval of the application.

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

- The original building was of no particular architectural merit and the proposal represented an improvement on the current position;
- The development would have only positive effects on the character of the wider area;

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- There were no grounds to refuse the application due to concerns about the dwelling being dominated by the proposed extension;
- The proposed extension was preferable to the 'fall-back position' of the dwelling being demolished, to be replaced by a larger dwelling, which would be provided for by the Aberdeen Local Development Plan;
- Contends that the proposal complied with the Development Plan; and
- Was supported by other material considerations, which included Scottish Planning Policy, which was preferable to the fall-back position and the improvement in terms of architecture, energy efficiency and residential amenity.

In relation to the consultee response, Mr Evans advised that there was no objections from consultees. One letter of support had been received and as agreed earlier, the letters appended to the individuals submission, were accepted to be considered, and this included a letter of support from the Cults, Bieldside and Milltimber Community Council.

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 MacKenzie and Wheeler 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), D1 (Quality Placemaking by Design), NE8 (Natural Heritage) and the Householder Development Guide Supplementary Guidance.

The Chairperson and Councillors MacKenzie and Wheeler 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 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 Local Review Body considered that the proposed development would not constitute over-development of the site or the original dwelling, and would not

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result in any adverse impact on the wider character or amenity of the area, consistent with policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP). It was recognised that the proposal would improve the current condition of the property. The proposed extension was considered to be of good design quality, and of a scale appropriate to the property and its large plot, consistent with policy D1 (Quality Placemaking by Design) of the ALDP. The proposal also involved no loss of open space.

CONDITION

1. No development pursuant to the planning permission hereby granted shall be undertaken unless a scheme for the protection of the Buckler Burn during construction has first been submitted to, and agreed in writing by, the planning authority. Thereafter, and measures specified in the approved scheme shall be implemented as agreed.

Reason - in order to protect the watercourse from the release of contaminants associated with construction into the water environment, and to avoid any adverse impact on the qualifying interests of the River Dee Special Area of Conservation (SAC), consistent with policy NE8 (Natural Heritage) of the Aberdeen Local Development Plan.

- COUNCILLOR JENNIFER STEWART, Chairperson

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