

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 20 February 2020. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Stewart, Chairperson, the Depute Provost; and Councillors Macdonald and Avril MacKenzie.

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

ERECTION OF SINGLE STOREY EXTENSION TO REAR WITH TERRACE ABOVE AND EXTERNAL ACCESS STAIR - 20 KIRK CRESCENT SOUTH, ABERDEEN, 190691

1. With reference to its meeting of 5 February 2020, 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 to the rear with terrace above and external access stairs at 20 Kirk Crescent South, Aberdeen, Planning Reference 190691/DPP.

Councillor Stewart, as Chairperson, advised that the procedures previously outlined by the Clerk at the meeting of 5 February 2020 would apply and indicated that the LRB would be addressed by Ms Aoife Murphy, who was acting 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, she 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.

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

She 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. Ms Murphy also explained that the site was located in a Residential Area in the Local Development Plan 2017.

Ms Murphy 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;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

20 February 2020

- 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.

In relation to the appellants case, Ms Murphy 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, Ms Murphy 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.

Ms Murphy 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.

Ms Murphy 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) and the Householder Development Guide Supplementary Guidance.

Members of the Local Review Body then asked a number of questions of Ms Murphy.

Following discussion, Members agreed unanimously 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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

20 February 2020

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 felt that the proposed development complies with Policy D1 - Quality Placemaking by Design and Policy H1 - Residential Areas, in that the development would improve the visual appearance of the rear of the property, would not affect the privacy of the neighbouring property at 5 Kirk Drive and would not affect the living conditions with regard to privacy and overlooking of adjacent private amenity space. It is also considered that the proposed development does not constitute over-development, with the proposed footprint being acceptable and sufficient garden ground remaining within the curtilage.

- **Councillor Jennifer Stewart, Chairperson**

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
20 February 2020