

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 17 March 2021. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Allan, Duncan and MacKenzie (articles 1 and 2 only).

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

THE HIGHFIELD, BORROWSTONE ROAD - ERECTION OF A SINGLE STOREY EXTENSION TO THE SIDE AND FORMATION OF A CARPORT AND GARDEN ROOM/GYM - PLANNING REFERENCE: 200265

1. The applicant and the members of the Local Review Body were previously advised that this item had been deferred until 25 March 2021. This was to allow one of the members to attend and take part in the proceedings.

81 ABERGELDIE ROAD - ERECTION OR REPLACEMENT OF A SINGLE STOREY EXTENSION TO THE REAR - PLANNING REFERENCE: 201167

2. 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 application for the erection or replacement of a single storey extension to the rear of 81 Abergeldie Road, Aberdeen, Planning Reference number 201167/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 following case 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 Jemma Tasker, Planning Trainee; (2) the application dated 29 September 2020; (3) the decision notice dated 8 January 2021; (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.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

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.

He explained that the applicant had indicated on the Notice of Review that a site inspection should be undertaken, highlighting their view that location and context were very important in consideration of this case, and that visual impact had been cited as an issue. In the applicant's view, visual impact had been overestimated.

Mr Evans then described the site advising that it was located on the western side of Abergeldie Road, at its junction with Broomhill Road. The property comprised a 2 storey, end-terrace dwellinghouse of traditional style, constructed in granite, with a slated roof. The dwelling fronts onto Abergeldie Road and adjoins No. 79 Abergeldie Road to the southeast. Broomhill Road was situated to the north-west, with the boundary wall separating the property's rear garden and the adjoining public pavement. To the rear of the dwelling there were existing 2 storey and single storey off-shoots extending along the south-east mutual boundary with number 79. These projected a total of 10.2m from the rear of the dwelling and measure 3.5m in width. These were also constructed in granite, with pitched, slated roofs. The remaining rear garden covered an area of approximately 100sqm and was enclosed by a c.1.8m high granite rubble wall on its Broomhill Road side and to the rear; and by a lower c. 1.3m high wall along the boundary with number 79.

Mr Evans outlined the proposal for Detailed Planning Permission (DPP) which was sought for the erection of a replacement single storey extension to the rear of the property. The existing single-storey off-shoot would be removed and replaced by a new single storey extension, projecting a maximum 11.8m from the rear of the dwelling. It would span the entire width of the plot, narrowing from 6.8m where it abuts the main house to 6.3m at its furthest point. The extension would have an asymmetrical pitched roof, with an eaves height of c. 2.5m and an overall height of c. 3.4m. Finishing materials include anthracite (Dark Grey) cladding for the walls, grey profile sheeting for the roof and alu-clad bi-folding doors. The drawings also referred to the removal of the existing access gate on the north-west boundary wall and blocking the opening up with stone, stated *'to match the existing'* which actually constitutes 'permitted development' and therefore was not within the scope of the planning authority's assessment.

The Appointed Officer's reasons for refusal stated in the decision notice made reference to the following:-

- Referred to highly visible location on Broomhill Road;
- Proposal would have an adverse impact on streetscape and detrimental impact on the character and amenity of the surrounding area;
- Extension would be of an incompatible scale to the original dwelling, more than doubling the length of the north west gable, sitting obviously uncomfortably with the main dwelling;

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

- Proposed extension would therefore conflict with Policies D1 (Quality Placemaking by Design) and H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP) and associated 'The Householder Development Guide' Supplementary Guidance;
- Conflicted with equivalent policies in Proposed ALDP; and
- There were no material considerations that warrant granting of planning permission.

Mr Evans highlighted the following key points from the appellant's Notice of Review:-

- The planning officer felt that the extension would be detrimental to the amenity of the area and sit uncomfortably with the main dwelling, but we disagreed with these points and would refer to the wider location on a busy vibrant part of a street which has a variety of scales and types of residential development; and
- This would be a modern, neat and sharp addition to the streetscape, which would contrast, but compliment the existing granite dwelling and boundary wall.

Mr Evans advised that there were no representations received from consultees; Ashley and Broomhill Community Council or members of the public.

The Chairperson and Councillors Allan and Mackenzie advised in turn that they each had enough information before them and agreed 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 H1 - Residential Areas; D1 – Quality Placemaking by Design; and Supplementary Guidance - Householder Development Guide.

In terms of material considerations, Mr Evans advised that members should have regard to the Local Development Plan and provided details thereof.

Mr Evans responded to questions from members relating to the height difference of the proposed extension and the materials to be used.

Members agreed unanimously to reverse the decision of the appointed officer and to 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:-

Members of the Local Review Body (LRB) noted a degree of variety in the design and scale of extensions and domestic outbuildings in the surrounding area, which includes

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

an extension to the adjoining property which is positioned along the mutual boundary, such that there would be no adverse impact on the adjoining neighbours. In that context, members considered that the proposed rear extension would be of a scale appropriate to its context, would not represent over-development of the property and would contribute towards a traditional granite property being appropriately adapted to suit modern expectations. Members also stated that the proposal would not result in any adverse impact on the character or amenity of the area, consistent with policy H1 (Residential Areas) of the Aberdeen Local Development Plan (ALDP), and would afford the residents greater privacy than the current rear offshoot, which has a number of windows facing towards Broomhill Road.

The single-storey form of the extension was highlighted as mitigating its wider visual impact, and members advised that the use of granite downtakings within the construction of the extension should be controlled via an appropriate planning condition, ensuring compliance with policy D5 (Our Granite Heritage) of the ALDP.

Members of the LRB also noted the absence of any objection from the local Community Council or neighbouring properties.

CONDITIONS**1. Scheme for the appropriate re-use of granite downtakings**

That no development pursuant to this grant of planning permission shall take place unless a detailed scheme for the appropriate re-use of granite downtakings within the construction of the new extension has first been submitted to and approved in writing by the planning authority.

Thereafter, no development shall take place unless in full accordance with the scheme so agreed.

Reason: To ensure compliance with policy D5 (Our Granite Heritage) of the Aberdeen Local Development Plan.

At this juncture, Councillor Duncan replaced Councillor Mackenzie to consider the following review.

24 GOODHOPE ROAD - INSTALLATION OF RAISED TIMBER DECKING WITH EXTERNAL STEPS AND BOUNDARY WALL TO THE REAR - PLANNING REFERENCE: 201035

3. The LRB 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 installation of raised timber decking with external steps

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

and boundary wall to the rear of 24 Goodhope Road, Aberdeen, Planning Reference number 201035/DPP.

In relation to the application, the LRB had before it (1) a delegated report by Jamie Leadbeater, Planner; (2) the application dated 1 September 2020; (3) the decision notice dated 2 February 2021 (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 agent along with an accompanying statement.

The Local Review Body then heard from Mr Evans explain that the review had been submitted with all necessary information within the time limit of three months following the decision of the appointed officer.

He explained that the applicant had indicated on the Notice of Review that no new matters, which were not before the appointed officer at the time of the original decision, had been raised in the review submission and in terms of the procedure by which the review would be conducted, however they had appended a set of plans which show proposals for additional boundary fencing to assist in mitigating any concerns over loss of privacy for reference. These plans were submitted during the course of the application, however the applicant ultimately decided to proceed with the original proposal.

He indicated that the LRB's role was to review the same proposal which was refused by the appointed officer, so the plans showing additional fencing were included for reference only. He intimated that the applicant had requested that a site inspection be undertaken, highlighting that the appointed officer's decision was made without visiting the site, therefore they had not determined the minimal impact this proposal would have on the neighbouring properties.

Mr Evans then described the site advising that it was a residential curtilage of a modern two storey semi-detached dwellinghouse on Goodhope Road in Bucksburn, to the north of Auchmill Road and the Aerden-Inverness railway line. To the rear of the property, its 15m deep back garden sloped down to the north east (towards back fence). The last 3m of the garden was much more steeply sloping than the preceding 12m, which was on a more gradual slope. The rear garden was enclosed by 1.8m high timber fencing along its north-western and north-eastern boundary (to neighbour at 26 and rear boundary respectively). The boundary to the adjoining semi at number 22 was demarked by a combination of wall and fencing of approx. 3m in height. The rear garden of this neighbouring plot sat at a higher level than the application site. There was a rear access lane (footpath only) beyond the rear boundary, providing rear garden access for neighbouring properties. Neighbouring plots to the north-east sat at a lower level than the upper portion of the application site, such that there were currently views over a number of neighbouring gardens.

Mr Evans outlined the proposal for Detailed Planning Permission (DPP) which was sought for the formation of tiered raised timber decking with associated steps in the rear garden of dwellinghouse. The proposed decking area would span the bottom 10.3m

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

depth of the garden area and would cover its full width equating to 70 square metres in area. It would rise as high as 650mm above the existing ground level at its highest point. Steps were incorporated along the north-western side boundary.

The Appointed Officer's reasons for refusal stated in the decision notice made reference to the following:-

- Proposal would "significantly worsen the level of privacy" currently afforded to the rear gardens of numbers 20, 26, 28 and 30 Goodhope Road;
- It would reduce the effective height and level of screening between mutual boundaries to an unacceptable level;
- It was considered to be contrary to Policy H2 (Mixed Use Areas) due to the conflict with the amenity of adjacent land uses, as well as the relevant "general principles" and guidance set out in Section 3.1.10 of the Householder Development Guide Supplementary Guidance;
- Also in conflict with policies D1, D2 and H2 in the Proposed Aberdeen Local development Plan (ALDP); and
- No overriding material considerations were in favour of approval.

Mr Evans highlighted the following key points from the appellant's Notice of Review:-

- Applicant's garden was steeply sloping, and this proposal was intended to reduce maintenance and increase useability of the garden;
- Argued that the lack of a site visit had unduly affected the decision to refuse on grounds of overlooking;
- Existing boundary fence already varied in height and the proposed deck levels had been designed to limit overlooking, with steps directly abutting boundary fence;
- Highlighted that neighbouring properties were already overlooked from the existing garden level and there would be no further loss of amenity due to the raised decking;
- Due to the garden level sloping at an angle, there was only a small portion of the decking that would bring it outwith the scope of current Permitted Development Rights;
- Applicants offered to increase height of fencing, but this was discounted on the basis that it would adversely affect neighbours' amenity. The case officer also stated that some areas of existing fencing were insufficient;
- Highlighted that the appointed officer's decision was taken after the extended determination period agreed with the applicant;
- Disputed officer's reference to the adjoining property to the south east being affected, as this actually sat higher than the application property; and
- Concluded that impact on privacy would be negligible and does not warrant refusal

Mr Evans advised that there were no representations received from consultees, Bucksburn and Newhills Community Council or members of the public.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

17 March 2021

The Chairperson and Councillors Allan and Duncan advised in turn that they each had enough information before them and agreed 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 D1 – Quality Placemaking by Design; H2 – Mixed Use Areas; Supplementary Guidance General Principles and Decking.

Mr Evans responded to questions from members relating to location of the amenity area and fencing of the property.

The Chairperson and Councillors Allan and Duncan each advised in turn and unanimously agreed to reverse the decision of the appointed officer and to 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:-

Members of the Local Review Body (LRB) noted that the existing rear garden of the application property sits on sloping ground, the uppermost part of which currently overlooks a number of other residential gardens lying to the east. In that context, the LRB did not consider that the proposals's modest changes to site levels through the introduction of decking would result in any significant loss of privacy. Members noted that the most likely source of additional overlooking would be along the north-western boundary (to number 26), where the steps serving the deck would be directly beside the fence. Members considered that this could be addressed through the use of a planning condition to secure a scheme of additional fencing/screening in that location.

The sloping nature of the rear garden was also considered to limit its useability, and members of the LRB felt that this proposal would address that and make the rear garden much more useable for residents without undue impact on the amenity afforded to neighbouring properties. It was noted that there were no objections from neighbouring residents or from the local Community Council. The proposal was considered by members to accord with the relevant provisions of the Development Plan, including policies H2 (Mixed Use Areas) and D1 (Quality Placemaking by Design) and the 'Householder Development Guide' Supplementary Guidance.

CONDITIONS**1. Additional Screening**

No development pursuant to this grant of planning permission shall be undertaken unless a scheme for the provision of additional screening along the north-western boundary (with number 26), to achieve a consistent height of 1.8m above the decking level, has first been submitted to and approved in writing by the planning authority.

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL
17 March 2021

Thereafter, the decking shall not be brought into use unless the approved screening has been installed in full accordance with the agreed scheme.

Reason: to protect neighbouring residents from overlooking and loss of amenity, as required by the Council's 'Householder Development Guide' Supplementary Guidance.

- **COUNCILLOR MARIE BOULTON, Chairperson**