

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 17 August 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Clark and MacKenzie.

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

KERCALLIE COTTAGE, 8 CHARLES PLACE - ERECTION OF FIRST FLOOR EXTENSION - PLANNING REFERENCE 220267/DPP

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 application for the erection of a first floor extension at Kercallie Cottage, 8 Charles Place, Aberdeen, AB25 3TW, Planning Reference number 220267/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 thereafter, by Ms Lucy Greene 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, 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 Body only. He 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 3 March 2022; (3) the decision notice dated 16 June 2022; (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; and (6) a consultee response submitted by the Roads Development Management Team.

By way of a preliminary matter, the LRB heard Ms Greene advise that additional information (Appendix 9 – Shadow Cast) had been submitted by the applicant which was not before the appointed officer when the decision was made to refuse the application, therefore the LRB would need to consider whether to accept the additional information into the proceedings.

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The LRB then heard from the Legal Adviser who made reference to Section 43B of the Town and Country Planning (Scotland) Act 1997.

The LRB members advised in turn and agreed unanimously not to accept the additional information into the proceedings for consideration.

Ms Greene then described the site advising that it comprised a single-storey granite-built dwellinghouse and its front and rear curtilage was in a residential area. The dwellinghouse had a northeast facing principal elevation. The immediate surrounding area was particularly dense in nature, with the site bounded by Charles Place, a pedestrian lane, to the northeast; residential dwellings (5 and 7 Charles Street) and a 7 bedroom HMO property (9 Charles Street) to the southeast; the residential flats of 506 George Street to the southwest and the PDSA Pet Hospital (30 Fraser Place), which had staff living

accommodation in its upper floor to the north. The building did not front a road as its principal elevation was screened from Charles Place by way of c.2m high boundary treatment. The dwellinghouse was visible from public areas on Charles Street to the southeast beyond the residential curtilage of 9 Charles Street to the southeast and beyond 30 Fraser Place from Fraser Place to the northwest.

Ms Greene outlined the appellant's proposal which sought planning permission for the erection of an upper storey extension above the original dwelling to become two storeys in form with a hipped roof.

She indicated that the appointed officer's reasons for refusal outlined in the decision notice was as follows:-

- Design detailing and materials would lack architectural compatibility with original building;
- Excessive scale and form would dominate the original building;
- Upper storey would affect privacy, sunlight and daylight of neighbours and would be overbearing – privacy of flats at 506 George Street, sunlight, daylight and outlook for staff flat at PDSA;
- Contrary to Policy H2 and D1 in adopted plan and Householder Supplementary Guidance; and
- Contrary to H2, D1 and D2 (Amenity) in the Proposed Local Development Plan

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- Impact on neighbour at PDSA (to north) had been resolved with $\frac{3}{4}$ storey, hipped roof and set back of upper storey from existing building;
- Drawing demonstrated compliance with 25 and 45 degree rules;
- Any development of this nature in a city centre may lead to reduction in amenity, however, proposals did not have significant detrimental impact;
- An additional storey inevitably added height and mass;
- Potential to add dormers did not work;

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- Materials are existing stonework from chimney, larch cladding, grey dry dash to end elevations and metal standing seam. All these were used extensively within the city;
- There were a variety of building styles and materials in the area; and
- Examples provided of similar proposals, including 90 Loch Street.

Ms Greene made reference to a consultee response from the Roads Development Management Team advising that they did not object to the proposal, and also indicating that no comments were submitted by the Community Council.

Ms Greene advised that the applicant had expressed the view that a site visit should be undertaken.

At this point in the proceedings, the LRB considered whether they had sufficient information before them to proceed to determine the review.

The Chairperson and Councillors Clark and Mackenzie advised in turn and each indicated that a site visit would be beneficial, therefore the LRB agreed unanimously that a site visit be held prior to determining the review.

The review under consideration was therefore adjourned for a site visit to be arranged.

ANTRIM GUEST HOUSE, 157 CROWN STREET - CHANGE OF USE FROM GUEST HOUSE TO FORM 3 RESIDENTIAL FLATS INCLUDING ALTERATIONS AND ADDITION OF WINDOW/DOOR OPENINGS - PLANNING REFERENCE 220423/DPP

2. 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 change of use from a Guest House to form three residential flats including alterations and addition of window/door openings at Antrim Guest House, 157 Crown Street, Aberdeen, AB11 6HT, Planning Reference number 220423/DPP.

The Chairperson advised that Ms Lucy Greene would again be acting as the Planning Adviser to the Body in the following case under consideration this day and 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 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 the Appointed Officer, Aberdeen City Council (ACC); (2) the original application dated 31 March 2022; (3) the decision notice dated 11 July 2022; (4) links to the plans showing the proposal and planning policies referred to in the delegated report; (5) the Notice of

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Review submitted by the applicant's agent; and (6) consultee responses submitted by the Roads Development Management Team, Waste and Recycling Team and Environmental Health Team (ACC).

The LRB was then addressed by Ms Greene 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.

Ms Greene then described the site advising that it comprised a 2½ storey granite-built tenement building and its associated grounds to the rear in an inner-city residential area. The building was used as both an 8-bedroom guest house across its basement, ground, first and second storeys. A separate commercial unit was located on the ground floor in use as a beauty salon operated by 'Glam Salon Boutique.' The building had a southwest principal elevation that fronts Crown Street, a northwest side elevation that fronted Wellington Place and adjoined residential flats to the southeast. Residential flats, 21 Wellington Place, bound the curtilage to the northeast. At the rear of the site was a modern single storey extension, a lean-to shed, hard surfaced curtilage which was partially used as a parking area accessed from Wellington Place to the north.

In terms of the appellant's proposal, Ms Greene advised that Detailed Planning Permission was sought for the change of use and sub-division of the existing guest house to three residential flats.

She indicated that the Appointed Officer's reasons for refusal stated in the decision notice were as follows:-

- Unacceptable level of residential amenity;
- Unacceptable low level of sunlight, daylight and outlook to ground and basement level flat;
- Proposed rear curtilage not of quality and area;
- Conflict with policies H1 (Residential Areas), D1 (Quality Placemaking by Design) in the adopted plan; and
- Conflict with policies H1 (Residential Areas), D1 (Quality Placemaking), D2 (Amenity) and WB1 (Healthy Developments) of the Proposed Plan 2020.

Ms Greene outlined the key points from the appellant's Notice of Review as follows:-

- Did not wish to challenge the 25 degree rule interpretation, however indicated that this was not a new build;
- Revisions introduced communal amenity space. The area near basement windows could be allocated in the ground / basement flat to ensure privacy;
- Built around 1900, accommodation had been provided within basement for some time, with two windows in existence (owners accommodation);
- Downturn in oil and gas had led to closure of guesthouse;
- Alternative layouts had been considered, if basement could not be used due to amenity, the space would be redundant – 60m² and currently used;
- Project not viable with two flats; and
- Many similar garden flats exist in city.

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Ms Greene provided details in relation to the consultee responses advising that they had no objections to the proposal. There were no other representations submitted.

Ms Greene advised that the applicant had expressed the view that the review may proceed on the basis of the information provided.

The Chairperson and Councillors Clark and Mackenzie all indicated in turn that they each had enough information before them and therefore agreed that the review under consideration should be determined without any further procedure.

In terms of relevant policy considerations, Ms Greene referred to the following in the Aberdeen Local Development Plan 2017 and the Proposed Plan 2020:-

- Policy H1: Relating to new Residential Developments;
- Policy D1: Quality Placemaking by Design;
- Policy T2: Managing the Transport Impact of Development;
- Policy T3: Sustainable and Active Travel;
- Policy T5: Noise – Noise Sensitive Development;
- Policy R6: Waste Management Requirements for New Development;
- Policy CI1: Digital Infrastructure;
- Policy D2: Amenity; and
- Policy WB1: Healthy Developments.

Ms Greene responded to questions from members who sought clarification in relation to light getting into the basement area, more specifically she provided information on the 25 degree method in the Householder Development Guide.

The Chairperson and Councillors Clark and Mackenzie each advised in turn and unanimously agreed to uphold the appointed officer's earlier decision to refuse the planning permission.

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 proposal would conflict with the vision for Aberdeen as a place which offers a high quality of life by way of creating sustainable communities in which amenity is maintained to a high level in that the proposal would not be afforded an acceptable level of residential amenity. This is because both bedrooms of the proposed ground and basement level flat would be afforded unacceptably low levels of sunlight, background daylight and outlook. In the context that these are the only bedrooms serving the flat; there is only one other habitable room serving the flat, a single kitchen / living room; and the proposed rear curtilage is

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not of a significant quality and area, the proposed ground and basement level flat would be afforded an insufficient level of residential amenity.

The proposed change of use to three flats would therefore conflict with Policies H1 – Residential Areas, D1 – Quality Placemaking by Design of the Aberdeen Local Development Plan 2017 and Policies H1 – Residential Areas, D1 – Quality Placemaking, D2 – Amenity and WB1 – Healthy Developments of the Proposed Aberdeen Local Development Plan 2020.

- **COUNCILLOR MARIE BOULTON, Chairperson.**