

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 5 December 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Henrickson, Chairperson; and Councillors Clark and van Sweeden.

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

30 CRUICKSHANK CRESCENT ABERDEEN - 220891

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 for the refusal of the application for Detailed Planning Permission for the erection of a single storey rear extension, porch to the front and first floor side extension over garage, at 30 Cruickshank Crescent Aberdeen planning reference 220891.

Councillor Henrickson as Chair for the meeting, 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 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 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 the Appointed Officer, Aberdeen City Council; (2) an application dated 13 July 2022; (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) the Notice of Review submitted by the applicant; and (5) letter of representation from the Aberdeen City Council's Roads Department.

Ms Greene then described the site and outlined the appellant's proposal. The application site comprised a two-storey end-terrace dwelling in a residential area, sharing a boundary with 32 Cruickshank Crescent to the southwest. The dwelling had a south-east principal elevation that fronted onto Cruickshank Crescent and to the northwest sat the rear garden of the site that adjoined the rear gardens of other properties. There was an existing driveway to the northeast of the site that adjoined the

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driveway at 28 Cruickshank. The existing dwelling was finished in a mix of stone chip render and brick, fitted with a white PVC door and windows and a slate roof.

In terms of the proposal, Ms Greene advised that planning permission was sought for proposed works, which consisted of two extensions to the side and front of the dwelling. To the front or south east, a porch extension had been proposed. This would measure 2.5m in width and 1.88m in length. The porch would have a door and glazed panel with a width of 1.59m on the front elevation with windows on the southwest and northeast elevations measuring 950mm in width and 1.3m in height. To the side or northeast, a two-storey extension would form a first-floor extension sitting over a carport that would extend the existing width of the dwelling. The extension would measure 6.18m in length, 2.83m in width and 7.56m in height to the proposed ridge, which sat 215mm below the ridge of the existing dwelling. The front elevation of the extension would have a window that measures 1.36m in width and 1.24m in height and the rear elevation would have a window on the rear elevation measuring 770mm in width and 1.24m in height. The proposed carport would measure 2.71m in width and 6.18m in length, with an access width of 2.61m. The external wall of the carport, supporting the proposed first-floor extension would measure 170mm in width. Both the proposed extensions would be finished in materials to match the existing dwelling. A rear extension was also proposed that would form a kitchen to the rear of the dwelling. This extension was considered to be permitted development and thus did not form part of this application.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

- There would be impact to the neighbouring property at number 28 Cruickshank Crescent;
- The extension was not complementary to the existing dwelling and would be out of character with the surrounding area;
- The proposal was contrary to Policy H1, and D1 of the Householder Design Guide.

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

- The proposal was the same as an application approved at Marischal Gardens;
- The gable window in neighbours house used to be a bedroom but was now used as a small store and was to be converted to a shower room;
- Neighbouring property had confirmed they had no objection to the proposal.

In terms of Consultations, Ms Greene advised that the Council's Roads Team had no objection to the proposal application and no comments had been received from the local Community Council.

Ms Greene advised that the applicant had expressed the view that no further procedure was required.

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The Chairperson and Councillors Clark and Cooke 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 Aberdeen Local Development Plan 2017.

Ms Greene responded to various questions from members.

Members each advised in turn and by majority agreed to overturn the appointed officer's earlier decision. Planning permission was therefore granted. The Chairperson and Councillor Clark opted to approve the application and Councillor van Sweeden voted 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 (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:-

That the proposal would not result in over development of the site as the proposal was for relatively minor extensions. The building as extended, would fit in with the streetscape, not having a significant impact on the character and amenity of the area and there had been no objections. The proposal therefore accords with Policy H1 - Residential Areas and Policy D1 - Design and Placemaking in the adopted Aberdeen Local Development Plan 2017 and the Householder Design Guide Supplementary Guidance.

1 WEST CRAIGBANK CRESCENT ABERDEEN - 220358

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 Detailed Planning Permission for the erection of first floor extension over existing garage to the front at 1 West Craigbank Crescent Aberdeen, planning reference 220358.

The Chairperson stated that although the Planning Adviser for the LRB 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.

In relation to the application, the LRB had before it (1) a delegated report and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 23

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March 2022 (3) links to the plans showing the proposal and planning policies referred to in the delegated report and (4) the Notice of Review submitted by the agent.

Ms Greene then described the application site and noted the application site comprised a large, modern, two-storey detached dwelling and its front, side and rear curtilage. The dwelling sat within a large corner plot fronting onto West Craigbank Crescent. A detached double garage sat to the south of the dwelling and was accessed via West Craigbank Crescent.

In terms of the proposal, Ms Greene indicated that Detailed Planning Permission was sought to alter the existing detached double garage to accommodate a deeper floor plan and provide upper floor accommodation including a store, hallway, staircase, shower room, kitchen and multi-functional room, including the existing garage space. The altered structure would have a rectangular floor plan measuring c. 8.9m by 6m and a gable roof measuring c.4.1m to the eaves and 7m to the proposed ridge, thus becoming a 1¾-2 storey structure. Finishing materials would match those of the existing garage, including concrete roof tiles, dry dash render, pre-cast stone blockwork and door surrounds, black PVCu rainwater goods and white PVCu windows, doors and fascia.

Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

The proposed garage extension/alterations by reason of its layout, composition, size and scale in combination with its location and exposure to the public road would cause harm to the visual amenity and character of the streetscape. The proposed extension is not considered to be suitably secondary to the host building owing to its size, scale and form. The proposal is therefore considered to have a detrimental impact on the character and appearance of the building and, owing to its exposed nature, the surrounding area. The proposed extension therefore conflicts with the relevant provisions of Policy H1 (Residential Areas) and Policy D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017, including the Council's Supplementary Guidance: Householder Development Guide. On the basis of the above, it is considered that there are no material planning considerations of sufficient weight that would warrant approval of the application.

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

- The application was on a corner plot and was set back from the street with green space, young trees and shrubs, which would grow and together with fencing would provide screening from Craigbank Drive;
- The proposed design and scale match similar structures built by Cala elsewhere in the development;
- The proposed design and materials would align;
- The applicant had personal reasons for the proposals;
- An alternative proposal would be a gable extension which would have more of an impact on the area.

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In terms of consultation responses, none were received and there were also no letters of representation received.

Ms Greene advised that the applicant had expressed the view that no further procedure should take place before determination.

In terms of the further procedure, the Chairperson and Councillors Clark and van Sweeden 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 Aberdeen Local Development Plan 2017.

Ms Greene responded to various questions from members.

Members each advised in turn and unanimously agreed to overturn the appointed officers' decision. Planning permission was therefore granted 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 development would provide on a part time basis for someone with a disability, on balance the proposal would not result in over development, the height would not appear out of keeping with the adjacent neighbouring house and there would be no impact on the character of the area. There is no significant detrimental impact on light to the neighbours. The proposed design and materials would match the house and overall the proposal would comply with Policy H1 : Residential Areas and D1: Placemaking by Design of the adopted Aberdeen Local Development Plan 2017 and associated Householder Design Guide.

The policies in the Proposed Aberdeen Local Development Plan 2022 substantially reiterate those in the adopted plan where relevant to this application.

CONDITIONS**(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

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Reason - in accordance with Section 58 (duration of planning permission) of the 1997 Act.

(2) Building Approved for Domestic use only

That the proposed accommodation above the garage shall be used only for purposes incidental to the enjoyment of the dwellinghouse as such.

Reason: In order to retain effective planning control of the development in the interests of the residential amenity of the surrounding area.

1 WESTERTON ROAD ABERDEEN - 220667

3. The LRB then considered the third 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 Detailed Planning Permission for the installation of solar panels to the roof at 1 Westerton Road Aberdeen, planning reference 220667.

The Chairperson stated that although the Planning Adviser for the LRB 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.

In relation to the application, the LRB had before it (1) a delegated report and decision notice by the Appointed Officer, Aberdeen City Council; (2) an application dated 25 May 2022 (3) links to the plans showing the proposal and planning policies referred to in the delegated report; (4) a response from one statutory consultee and (5) the Notice of Review submitted by the agent.

Ms Greene then described the application site and noted the site consisted of a two-storey semi-detached dwelling with a one and three-quarter storey extension on the east elevation, located in a residential area and the Pitfodels Conservation Area. The dwelling adjoined 2 Westerton Place to the west and a detached dwelling to the east with a south-facing principal elevation that fronts onto Westerton Place; a cul-de-sac that also serves 1 to 5 Westerton Place. The rear elevation bounded a public lane to the north that formed part of the Green Space Network and Urban Green Space that sat parallel to Deeside Way, used as a public footpath. In terms of the roof space, there was an existing rooflight on the roof on the front elevation.

In regards to the proposal, Ms Greene advised that planning permission was sought for the installation of 13 solar panels on the south-facing roof of the existing dwelling and extension. The proposed panels would each have a width of 1.13m, a length of 1.72m and sit 213mm in height above the existing roof plane and would be finished with black frames

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Ms Greene indicated that the appointed officer's reasons for refusal outlined in the report of handling was as follows:-

The proposal had not sufficiently justified the requirement for solar panels and alternative thermal efficiency improvements had not been adequately explored. The proposed panels were not considered to be in a discreet location or in their design as they sit on the principal elevation of a historic building, protruding from the roof slope and would therefore have a negative and adverse impact on the character and appearance of the historic building, as well as the Pitfodels Conservation Area.

The overall proposal was therefore not considered appropriate in the context of the site. As such, the proposal was not considered to comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design, Policy D4: Historic Environment and Policy R8: Renewable and Low Carbon Energy Developments of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 as well as Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Micro-renewables and Managing Change in the Historic Environment: Roofs.

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

- The panels would be grey on a grey roof, and not raised high.
- They would complement the building.
- The Energy Saving Trust assess insulation and existing energy savings prior to approving loan.
- The house was heated by gas and electricity from panels and would be used for electric vehicle charging as well as none heating needs.
- Solar panels would reduce CO2 emissions as use of grid electricity would decrease – with grid electricity largely coming from burning gas.

Ms Greene advised that the applicant had expressed the view that no further procedure should take place before determination.

In terms of the further procedure, the Chairperson and Clark and van Sweeden 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 Aberdeen Local Development Plan 2017.

Ms Greene responded to various questions from members.

Members each advised in turn and unanimously agreed to uphold the appointed officers decision. Planning permission was therefore refused.

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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 had not sufficiently justified the requirement for solar panels and alternative thermal efficiency improvements had not been adequately explored. The proposed panels were not considered to be in a discreet location or in their design as they sat on the principal elevation of a historic building, protruding from the roof slope and would therefore have a negative and adverse impact on the character and appearance of the historic building, as well as the Pitfodels Conservation Area. The overall proposal was therefore not considered appropriate in the context of the site. As such, the proposal was not considered to comply with Policy H1: Residential Areas, Policy D1: Quality Placemaking by Design, Policy D4: Historic Environment and Policy R8: Renewable and Low Carbon Energy Developments of the Aberdeen Local Development Plan, the Householder Development Guide Supplementary Guidance and the relevant policies of the Proposed Aberdeen Local Development Plan 2020 as well as Historic Environment Policy for Scotland, Managing Change in the Historic Environment: Micro-Renewables and Managing Change in the Historic Environment: Roofs.

- **Councillor Dell Henrickson, Chairperson**