

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 26 September 2022. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Boulton, Chairperson; and Councillors Clark and van Sweeden.

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. With reference to article 1 of the minute of meeting of 17 August 2022, 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 made reference to the site visit undertaken earlier today and 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.

Ms Greene made reference to Appendix 9 – Shadow Cast, which had been submitted by the applicant and which expanded on the drawings previously submitted. She advised that the appendix could be shared with members as part of the presentation and the LRB decided that this would be helpful.

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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;
- 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.

With reference to consultee responses, Ms Greene advised that the Roads Development Management Team did not object to the proposal and there were no comments submitted by the Community Council or representations received.

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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 van Sweeden advised in turn and agreed unanimously that they had sufficient information before them to determine the review.

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

- Policy H1: Relates to New Residential Developments;
- Policy D4: Historic Environment;
- D1: Quality Placemaking by Design;
- D5: Our Granite Heritage;
- T2: Managing the Transport Impact of Development;
- T3: Sustainable and Active Travel;
- T5: Noise; and
- R6: Waste Management Requirements for New Development.

The Chairperson and Councillors Clark and van Sweeden each advised in turn and by a majority of 2 to 1 agreed to reverse the appointed officer's decision and therefore approve detailed planning permission.

The Chairperson and Councillor Clark indicated in turn that they believed that in this instance, and on balance, they were comfortable with the proposed development which in their opinion was suitable to provide a 21st century family living space and was therefore not contrary to the policies indicated above. They also highlighted that there were no objections from consultees or residents from neighbouring properties. They both indicated that a condition should be added to ensure that the bathroom window would have opaque glass installed.

Councillor van Sweeden agreed with the appointed officer's decision to refuse the application. In addition, she expressed concerns in relation to the Fire and Rescue service access to the building, which was extremely limited.

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:-

By reason of the mix of styles of buildings within the area, that this is an extension of a residential dwelling which is appropriate within the area, and that houses need to adapt for modern living the proposal is considered acceptable and the proposal therefore complies with Policy H2 'Mixed Use' and H1 'Residential Areas'. The proposal complies with the '25 degree assessment' in the Householder Design Guide for impact on

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daylighting to neighbouring properties. The design is sensitive to the context, in an area where there is a variety of buildings, with timber cladding being appropriate and used elsewhere within the area; the proposal thereby complies with Policy D1 'Placemaking by Design'. The proposal complies with Policies T2 'Managing Transport Impact', T3 'Sustainable Travel' and R6 'Low and Zero Carbon Emissions', all within the adopted Aberdeen Local Development Plan 2017.

In terms of Policy D2 in the Proposed Local Development Plan 2020, it is noted that there are no objections and that the design of the roof was amended in order to take into consideration the outlook from the neighbouring flat at the PDSA. The proposal complies with Policy D2 'Amenity' and other policies that reiterate those in the adopted plan.

CONDITION

- (1) That the extension shall not be occupied unless the view into and out of the bathroom window is obscured with opaque glass or film.

Reason: In the interests of residential amenity.

- **COUNCILLOR MARIE BOULTON, Chairperson**