

## LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 19 April 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor , Chairperson; and Councillors Bouse and Thomson.

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

### **12 KIRK CRESCENT SOUTH - ERECTION OF REPLACEMENT DWELLINGHOUSE - 221154/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 replacement dwellinghouse at 12 Kirk Crescent South, Aberdeen, Planning Reference number 221154/DPP.

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, 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 21 September 2022; (3) the decision notice dated 20 December 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; (6) consultee responses submitted by the Roads Development Management Team and Waste and Recycling Team; and (7) a letter of representation.

Ms Greene then described the site and outlined the appellant's proposal which sought planning permission for the erection of a two-storey extension next to the existing projecting gable. The house would measure a maximum of 7.3m in height, 19.5m in depth and 13.8m in width. It would have an integral garage and double gable feature to the front elevation. There would be a single storey element to the rear. The extension would have a maximum height of 5.6m, with ridges at 5.5m and eaves at 2.8m. The

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extension would project 6m beyond the existing flat roofed extension. The porch would include an entrance door and would project out 2.6m. The garage ridge would be 4.5m, the eaves would be 2.2m and the footprint size would be 6.5m x 4.5m with its front elevation being of reclaimed granite and the roof being slated. The roof tiles would match the existing, other finishes would be cement timber effect cladding and fyfestone (slate and pink mix) with UPVC windows.

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

- Overdevelopment – footprint and massing;
- Impact on residential amenity of neighbours;
- Elevation design inconsistent with character of area – 2 storey with vertical emphasis, due to twin gables;
- Eaves and ridge height uncharacteristic; and
- Contrary to Policy D1, H1 SG on Redevelopment and sub-division of residential curtilages, D1 and D2 of the Proposed Local Development Plan.

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

- Would be in keeping with area, which included houses of two storeys, with comparable ridge heights, larger footprints & similar design;
- Covered less of site than extensions under permitted development rights;
- Resulted in less overlooking than would dormer built under permitted development rights, similar overlooking from new house at 4 Kirk Crescent South;
- Similar size and orientation to neighbours, therefore not unacceptable in terms of overshadowing;
- Overall, complied with policies including on Design, Residential Areas, Amenity;
- Report of handling confirms as acceptable: Front building line, length of garden, materials and contemporary design, parking, natural heritage, waste, energy and water efficiency;
- Included photographs which showed view towards objectors house;
- Supported by material considerations – previous approvals in area including:-
  - 7 Cults Gardens, Cults – 150043 – replacement 1.5 storey house;
  - 20 Kirk Crescent South – 190691 – 1 storey extension, with terrace (LRB);
  - 4 Kirk Crescent South – 200157 – 1.5 storey replacement house;
  - 15 Kirk Crescent South – 160075 – Replacement house (1.75 storey);
  - 4 Kirk Crescent North – 201610 – Replacement house (1.5 storey); and
  - 22 Kirk Crescent South – 100325 – Replacement house (noted in Planning Statement).

Ms Greene made reference to the consultee responses and the letter of objection. She indicated 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.

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The Chairperson and Councillors Bouse and Thomson 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 and the proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022.

Ms Greene responded to questions from members in relation to the height of the ridge line of the roof compared to surrounding buildings, sought clarification on whether other developments in the street pre-dated the Aberdeen Local Development Plan 2017, the massing impact on neighbouring properties and the supplementary guidance on the subdivision of residential curtilages.

**The Chairperson and Councillors Bouse and Thomson 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 are as follows:-

The proposed replacement dwellinghouse represents over development of the site, both in terms of building footprint and massing, with an impact on the residential amenity of neighbouring properties. Furthermore, the design is not consistent or in keeping with the established character of development, with the proposed dwellinghouse having the appearance of a two-storey property with a vertical emphasis due to the inclusion of twin facing gables. As such its scale and massing are inappropriate with an eaves and ridge height that is uncharacteristic of the surrounding area. As such the proposal fails to comply with Policy H1 – Residential Areas, the associated The Sub-division and Redevelopment of Residential Curtilages Supplementary Guidance and Policy D1 - Quality Placemaking by Design of the current Aberdeen Local Development Plan 2017 and Policy H1 - Residential Areas, Policy D1 - Quality Placemaking and Policy D2 - Amenity of the Proposed Aberdeen Local Development Plan 2020.

- **COUNCILLOR DELL HENRICKSON, Chairperson**