

LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL

ABERDEEN, 16 August 2023. Minute of Meeting of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor McRae, Chairperson; and Councillors Bouse, Clark, Cooke and Radley.

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

18 LAUREL PARK ABERDEEN - 221545

11. 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 formation of a first floor extension over existing garage to the side and erection of single storey extension to the side and rear of 18 Laurel Park Aberdeen.

Councillor Mcrae 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 20 December 2022; (3) the decision notice dated 13 April 2023 ; (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) consultee response submitted by the Roads Development Management Team.

Ms Greene then described the site and outlined the appellant's proposal which sought planning permission for the erection of an upper storey extension above the garage at the northern side of the dwelling and for the erection of a single storey extension to the south side and rear of the dwellinghouse. The proposal would result in the removal of the existing conservatory as well as coniferous hedging to the rear. The upper storey extension above the garage would extend c.5.1m to align with the north elevation and

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would be c.7.8m in length, aligning with the principal elevation of the dwelling. It would result in the garage having a two-storey hipped roof of the same 7m high ridge and c.5.8m high eaves as the original dwelling. The roof would be finished in concrete roofing tiles to match the existing roof, the fascias would be finished in white uPVC panels and its walls would be finished in sand coloured cladding panels. It would include light grey uPVC windows on its principal elevation and rear elevations. The single storey extension to the south side and rear of the dwellinghouse would be flat roofed in form and would be c.3.2m in height. It would project a maximum of c.4.3m to the rear and c.2.9m to the south. Its north elevation would be finished in dark grey brick and the other elevations would be finished in dark grey vertical composite cladding. It would include light grey uPVC French doors and windows across its south and east elevations and a horizontal window on its west elevation.

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

- Impact on residential amenity to 17 Laurel Park. The proposal would adversely affect sunlight to large areas of the rear garden for substantial periods through year and be an overbearing impact on the dwelling.
- The proposal would conflict with Policies 14 (Design, Quality and Place) and 16 (Quality Homes) of National Planning Framework 4; Policies H1 (Residential Areas) and D1 (Quality Placemaking by Design) of the Aberdeen Local Development Plan 2017; the Supplementary Guidance: The Householder Development Guide; Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Proposed Aberdeen Local Development Plan 2020; and
- The report used the 45 degree rule to conclude there was substantial overshadowing

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

- Concerns only relate to the upper floor extension;
- The proposal did not overbear and would not impact sunlight on the neighbouring properties;
- Lack of objection from the neighbours;
- A letter of support was included but not sent in as part of the formal consultation period;
- No loss of daylight to 17 Laurel Park due to the sun path and existing development;
- There would be insignificant overshadowing due to the boundary fences;
- Elevated garden to number 17 and the 6feet fence would result in little impact;
- There would be a minimal increase in height from the existing ridge to the new eaves; and
- The removal of trees would increase light.

Ms Greene advised that a new matter had been introduced in the Notice of Review in relation to personal circumstances of the applicant. Following legal advice, Members of the Local Review Body agreed unanimously to accept this new information and to consider it when determining the application.

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

The Chairperson and Councillors Bouse, Clark, Cooke and Radley 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, the proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022 and also National Planning Framework 4.

Ms Greene responded to various questions from members which included the sunlight study which had been undertaken, the loss of sunlight to the neighbouring property and the boundary fences/walls between the properties. Members also sought clarity on the lack of objection from neighbouring properties.

Members each advised in turn and unanimously agreed to overturn the appointed officer's earlier decision to refuse the planning permission and approved 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 are as follows:-

The proposed extension would result in a building of similar appearance to others within the surrounding area; the resulting house would be in keeping with the character of the area. The degree of additional overshadowing from the proposed extension would be insignificant in the context of the overall size of the neighbouring plot and gardens; there was also no objection from the neighbour.

With the attachment of a condition requiring replacement planting for the trees/hedge to be removed, the proposal would make a contribution towards biodiversity, nature and tackling climate change. Overall, the proposal would therefore comply with Policy H1 'Residential Areas' and D1 'Design and Placemaking' in the Aberdeen Local Development Plan 2023 and Policy 1 (Tackling the Climate and Nature Crises), Policy 2 (Climate Mitigation and Adaptation), Policy 3 (Biodiversity), Policy 6 (Forestry, Woodland and Trees), Policy 14 (Design, Quality and Place) and Policy 16 (Quality Homes) in the National Planning Framework 4.

CONDITIONS

This permission is granted subject to the following conditions.

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(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.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

(02) PLANTING

That no works in connection with the development hereby approved shall take place unless a scheme of tree and landscape planting has been submitted to and approved in writing by the Planning Authority.

Details of the scheme shall include:

- (i) Existing landscape features and vegetation to be retained and that to be removed.
- (ii) The location of new trees, shrubs and/or hedges.
- (iii) A schedule of planting to comprise species, plant sizes and proposed numbers and density.

All planting proposals shall be carried out in accordance with the approved scheme and shall be completed during the planting season immediately following the commencement of the development or such other date as may be agreed in writing with the Planning Authority.

Reason: To ensure the implementation of a satisfactory scheme of planting which will help to mitigate for the loss of existing hedge / trees for the benefit of biodiversity, nature and climate change mitigation.

10 WOODHILL PLACE - 230143

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 erection of a 1.5 storey extension with raised decking and a balustrade to the rear at 10 Woodhill Place Aberdeen.

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.

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 6 February 2023; (3) the decision notice dated 8 June 2023 ; (4) links to the plans showing the proposal and

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planning policies referred to in the delegated report; (5) the Notice of Review submitted by the applicant's agent; and (6) a letter of representation received.

Ms Greene then described the site and outlined the appellant's proposal which sought planning permission for the erection of a part two storey, part single storey rear extension which would span the full width of the rear elevation of the property. It would project 4.0m alongside the shared boundary with 8 Woodhill Place. The development would be constructed with a fyfestone side south elevation and plinth, and a horizontal cladding which had not been specified, but would be timber or timber effect horizontal cladding as shown on the 3d visualisation. In addition, it is proposed to erect a raised deck with privacy screen to the rear of the proposed extension.

The single storey element would have a 4.0m projection and would be 3.6m wide with a sliding bifold door facing eastwards over the proposed deck. The total height of the single storey element which abuts the shared boundary would be 4.3m. The two-storey element which was located on the northern 3/5s of the rear elevation would have eaves above that of the main house at 6.1m on the south elevation and eaves which slope down to the same level as that of the existing eaves level on the northern elevation. The ridge height of the two-storey element matches that of the host property and would be 8.1m.

The asymmetric roof would have a 1st floor Juliet balcony in the east facing gable elevation. The south facing elevation of the proposed 2 storey element would have eaves higher than that of the main house. The north elevation would have a roof profile which drops to the level of the existing eaves. The ground floor and first floor would be clad in timber or timber effect cladding as shown on the 3D visual drawings.

The proposed deck would project a further 2.5m from the proposed 4.0m rear extension spanning the full width of the rear of the dwelling and proposed extension in the form of an elevated platform. The deck would be directly alongside the shared boundary with 8 Woodhill place. The total projection alongside the boundary would be 6.5m. The proposal was amended to include a 1.8m screen on the south elevation of the deck which is directly adjoining the shared boundary. The total height of this deck and boundary screen would be 3.37m when taken from the ground level. No screen had been included on the north elevation to protect the amenity of 12 Woodhill Place.

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

- Design & material. They were inappropriate and incongruous in the area and out of keeping with the scale and character;
- Overlooking and loss of privacy. A raised deck, Juliet balcony would increase intensity of the use at an elevated level and would impact on residential amenity of the neighbouring property; and
- Contrary to policies on design, residential areas and amenity in the Aberdeen Local Development Plan and National Planning Framework 4

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

- The proposed extension was, in part, a replacement of an existing extension to the rear of the property;
- The footprint of the dwelling would be increased by only 17sqm. The resultant plot ratio would be 25% developed;
- Proposals were to the rear of the property and not visible from street frontage;
- The proposed extension tied in with the existing roof profile; eaves and ridges levels, pitch and hipped gable end.
- The proposed extension matched the existing dwelling roof finish of natural slate;
- They were open to discussing and amending external finishes of the proposals to where there were concerns over external wall materials and extent of cladding proposed;
- The majority of dwellings in the vicinity were 1 and half storey and a number of these had storey and half, full property width extensions to the rear;
- the existing rear extension included a conservatory with south facing glazing which overlooked 8 Woodhill Place. The proposal would remove the direct line of sight with windows all to face the private garden to the east;
- numbers 10 and 12 Woodhill Place along with others in the street share driveway access to the rear garden which resulted in reduced privacy between dwellings;
- proposals were amended to incorporate a privacy screen to the boundary of the proposed raised decking to limit overlooking to 8 Woodhill Place;
- the "Juliet Balcony" was full height glazed window with an external protective barrier;

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

The Chairperson and Councillors Bouse, Clark, Cooke and Radley 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, the proposed Aberdeen Local Development Plan (2020) / Aberdeen Local Development Plan 2022 and also National Planning Framework 4.

Ms Greene responded to various questions from members which related mostly to the proposed materials to be used, questioning whether a condition could be added to stipulate the finished materials.

Members each advised in turn and unanimously agreed to uphold the appointed officer's earlier decision to refuse the planning permission.

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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 are as follows:-

The proposed timber finishing material for the rear extension due to its extent of coverage would be out of keeping with the character of the surrounding area and it was considered that it would have an adverse impact on visual and residential amenity.

Therefore the proposal was considered to be contrary to the provisions of Policy D1 (Placemaking and Design) and failed to comply with Policy H1 (Residential Areas) in the Aberdeen Local Development Plan 2023 and Policy 16 (Quality Homes) (g)(i) of the National Planning Framework 4.

- **Councillor Ciaran Mcrae – Chairperson**