

ABERDEEN CITY COUNCIL

COMMITTEE	Development Management Sub-Committee	
DATE	19 July 2012	
LEAD HEAD OF SERVICE Margaret Bochel		DIRECTOR Gordon McIntosh
TITLE OF REPORT	Planning Digest	
REPORT NUMBER	EPI/12/147	

1. PURPOSE OF REPORT

- 1.1 To advise Committee about recent appeal decisions, recent updates in Scottish Government Planning Advice and other aspects of the planning service.

2. RECOMMENDATION

- 2.1 To note the outcome of the appeal decision.

3. FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this appeal decision.

4. OTHER IMPLICATIONS

- 4.1 The report is for information and does not have any implications for any legal, resource, personnel, property, equipment, sustainability and environmental, health and safety and/or policy implications and risks.

5. BACKGROUND/MAIN ISSUES

APPEAL UPHELD

106 Irvine Place, Aberdeen, AB10 6HB
PROPOSED REPLACEMENT WINDOWS
REF: P111668 / PPA-100-2037

Conditional planning approval was granted on 12th January 2012 through the use of delegated powers for proposed replacement windows.

The application was approved with a condition attached stating: (1) that the window(s) hereby approved shall be constructed in full accordance with the detailed cross section(s) submitted and approved with the application and that the visible part of the outer frame of the front windows hereby approved shall not exceed 25mm in width at the top and sides of the window opening with the remainder of the frame being concealed behind the masonry window check, unless the planning authority has given prior written approval for a variation – in order to preserve the character of the conservation area.

The Reporter appointed to determine the appeal disagreed with the condition attached to the approval and subsequently determined whether the condition met the 6 tests set out in Circular 4/1998 – The use of Conditions in Planning Permission. The Reporter found the condition (as worded) to fail the test of necessity as the appeal property was not located within a conservation area and nor was it listed. The section within the Report of Handling headed 'Reasons for Recommendation' confirms that the proposal would not have a detrimental impact on the character or amenity of the surrounding area and accords with the adopted local plan and supplementary guidance.

In conclusion, the Reporter found the condition to be entirely unnecessary, and therefore also to fail the test of reasonableness.

The appeal decision document can be viewed at
<http://www.dpea.scotland.gov.uk/Documents/qA291900/A3026243.pdf>

6. IMPACT

The Scottish Government has stated that an effective planning service is fundamental to achieving its central purpose of sustainable economic growth. As such the information in this report relates to a number of Single Outcome Agreement Outcomes:

- 1 - We live in a Scotland that is the most attractive place for doing business in Europe;
- 2 - We realise our full economic potential with more and better employment opportunities for our people;
- 10 - We live in well-designed, sustainable places where we are able to access the amenities and services we need;
- 12 - We value and enjoy our built and natural environment and protect it and enhance it for future generations;
- 13 - We take pride in a strong, fair and inclusive national identity; and
- 15 - Our public services are high quality, continually improving, efficient and responsive to local people's needs.

Public – The report may be of interest to the development community and certain matters referred to in the report may be of interest to the wider community.

7. BACKGROUND PAPERS

None.

8. REPORT AUTHOR DETAILS

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