

## LOCAL REVIEW BODY

ABERDEEN, 18<sup>th</sup> January, 2010. - MINUTE OF MEETING of the LOCAL REVIEW BODY OF ABERDEEN CITY COUNCIL. Present:- Councillor Cassie, Chairperson; and Councillors Cormie and Penny.

### REVIEW – STAGE ONE

**1. 2 CREEL AVENUE, COVE – HOUSE EXTENSION.** The Local Review Body of Aberdeen City Council met this day to review the decision taken by an appointed officer under the Council's Scheme of Delegation, to refuse the application (090377) for planning permission in respect of the erection of an extension to the dwellinghouse at 2 Creel Avenue, Cove.

Councillor Cassie, as Chairperson, welcomed those in attendance and confirmed that the members of the Local Review Body had before them copies of the review documents as listed within the formal Notice calling the meeting. He also made reference to the application plans, and to some photographs which the applicant had submitted in support of his review, all of which were on display at the meeting. The Chairperson went on to indicate that the Assistant Clerk to the Local Review Body would outline the procedure to be followed after which one of the Council's Planning Team Leaders (Mr. D Lewis) would provide the members with a brief description of the application proposal, a reminder of the reasons why the application was refused and an outline of the case for review. At this point the Chairperson declared that the Planning Team Leader, although an employee of the planning authority, had not been involved in the consideration or determination of the application under review and was present only to provide factual information and guidance to the Local Review Body. Councillor Cassie emphasised that Mr. Lewis would not be asked to express any view on the proposed development.

The Local Review Body were then addressed by the Assistant Clerk who made reference to the Procedure Note which had been circulated as part of the meeting papers. In this regard it was made clear to members that their first task was to come to a decision on whether the review documents contained sufficient information for the case to be determined without further procedure. By way of assistance in arriving at that decision, the following points were highlighted:-

- (one) the regulations governing the local review process require that all matters which the applicant intends to raise in the review must be set out in or accompany the Notice of Review;
- (two) the clear intention of the Scottish Government, as reflected within the regulations approved by Parliament, is that Local Review Bodies will determine cases on the basis of what was before the appointed officer at

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the time the decision was made and only in exceptional circumstances will new or additional matters be permitted to be taken into account; and  
(three) the recent modernisation of the planning system, which included revision of the planning appeals process, had removed the previous right, on the part of an applicant, to insist on a hearing and replaced that by giving the appellate body the power to choose a procedure which reflects the facts and circumstances of the case.

At the invitation of the Chairperson, the Planning Team Leader, with reference to the drawings and the photographs on display, proceeded to describe the application which sought detailed planning permission in respect of the erection of a gable end extension to a semi-detached house located within a typical suburban housing estate characterised by an informal street pattern and layout. The officer confirmed that the site of the extension, which was owned and maintained by the applicants, was planted for the most part with lawn grass and shrubs and was largely open to the street with no barrier to the heel of the pavement; indicated that the tree shown on the photographs to which he referred, had since been removed; and indicated further that a small part of the extension footprint would be enclosed by a 1.8m screen fence which would wrap around the corner of the gable end and give privacy and security to the kitchen windows, with the fence also surrounding the rear garden area. By way of background information, the planning officer advised that, as first submitted, the extension was to be a full two storeys high and erected flush with the front elevation of the house; that in response to concerns expressed by the case officer, however, amended plans were submitted showing an extension which would be only one and one half storeys at the front although two storeys to the rear; that as a further amendment to the original proposal, the front elevation of the extension would be set back some 0.6m from the façade of the house; and that the finishing materials proposed would be slates and roughcast to match the existing house.

The planning officer at this point drew members attention to the review documents circulated, in particular the appointed officers report of handling which contained references to the policy context; an evaluation of the application proposal; and the wording of the two reasons for refusal, which were (one) that the proposed extension is contrary to Policy 40 of the Aberdeen Local Plan 2008, as it would result in the loss of amenity space, thereby having a negative impact on the residential amenity of the area; and (two) that the proposed extension would be visually intrusive in this particular location, resulting in a negative impact on the streetscape.

Members attention was also drawn by the planning advisor, to the case being put forward by the applicants (as detailed within the Notice of Review and the accompanying statement) and which was supported by coloured photographs,

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copies of which were passed round the members of the Local Review Body. The first photograph purported to identify the sites of two similar gable end extensions located near the application site and which had received detailed planning permission within the last two years. The officer advised that the first of these (1 Creel Court) did indeed show a full width two-storey extension added to an end-terraced house which occupied a corner site similar to the site at 2 Creel Avenue (the application site). The second photograph identified another corner site (1 Creel Avenue) where planning permission for a full two-storey extension across two thirds of the gable of a semi-detached house had been approved but not yet built. The officer highlighted the fact that the building in this case would extend over an existing driveway and garden ground enclosed by a 1.8m fence, but would not affect any open (unenclosed), soft landscaped or grassed areas.

The Chairperson at this point announced that the Local Review Body would proceed to consider the manner in which the review should be conducted and made reference to the preference indicated on behalf of the applicant, within the Notice of Review, that the matter be dealt with by way of one or more hearing sessions and/or by a site inspection.

The view of the Local Review Body was that the determining issues were not sufficiently complex or controversial as to warrant a hearing but that, given the basis of the second reason for refusal, a site inspection would appear to be appropriate.

**The Local Review Body resolved:-**

- (i) that consideration of the review be suspended;
- (ii) that an unaccompanied site inspection take place; and
- (iii) that a further meeting of the Local Review Body take place on a date to be arranged and at which the case will be determined.

- **SCOTT CASSIE, Chairperson.**