

Local Review Body Decision Notice
Appeal Reference: LRB 454
Planning Reference: APP/2018/2469
Planning Proposal: Full Permission for Alterations and Extension to Dwellinghouse
Address: Sunside of Rayne, Kirkton of Rayne, Inverurie
Summary of Decision: The LRB agrees with the determination of the Appointed Officer and refuses full planning permission.
Policy Issues: <ul style="list-style-type: none">• Policy R2 Housing and employment development elsewhere in the countryside• Policy R1 Special rural areas• Policy P1 Layout, siting and design
Additional Points: The main determining issue for the review was the principle of development, its layout, siting and design, and whether there are any resulting impacts on the character and amenity of adjacent properties. The main issues concerned the mansard style roof and overlooking impact from proposed rooflights. Discussion surrounding design standards, and a vote on the option of a condition requiring the installation of opaque glass in the windows on the eastern elevation was held. Overall, the LRB concluded the design is not in keeping with the character of the existing building, nor the adjacent steading and it would have an adverse impact on the privacy of the neighbouring property, and agreed to refuse planning permission.
Actions: Note Decision

Aberdeenshire Council Local Review Body

Reference LRB 454 APP/2018/2469

Review Decision Notice

Decision by Aberdeenshire Council Local Review Body (LRB)

- Site address: Sunside of Rayne, Kirkton of Rayne, Inverurie, Aberdeenshire, AB51 5AE;
- Application for review by Paul Walber (agent) on behalf of Tim Milward (applicant) against the decision by an Appointed Officer;
- Application reference APP/2018/2469 for Full Planning Permission for Alterations and Extension to Dwellinghouse refused by decision notice dated 24 December 2018;
- Application drawing reference: AD 907 51 Version A; AD 907 53 Version A Proposed First Floor Plan; AD 907 54 Version A Proposed Elevations; AD 907 55 Version A Existing and Proposed South Elevation; AD 907 56 Version A Existing and Proposed Roof Plans.
- No site inspection took place.

Date of Decision: 28 June 2019

Decision

The Local Review Body (LRB) agrees with the determination reviewed by it and refuses Full Planning Permission in accordance with the Appointed Officer's decision.

1.0 Preliminary

- 1.1 This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013.
- 1.2 The LRB reviewed the determination of the above application for Full Planning Permission at its meeting held on 31 May 2019. The LRB was attended by Councillors F Hood (Chair), J Hutchison, A Ross, I Sutherland and P Johnston.
- 1.3 The LRB was shown projected plans and photographs by the Planning Adviser. Those showed the application site and visuals of existing and neighbouring properties.

2.0 Proposal

- 2.1 The property is a vernacular, one and a half storey building and is one of a small group of 3 dwellinghouses - one being the converted, formerly associated steading to the north-west, and the other a more contemporary one and a half storey property to the east. The dwellinghouse is stone built with a slate tile roof, whilst a later addition of a single storey lean-to extension to the northern (rear) elevation is finished in a lime-render wet dash to the walls and tar felt roofing. A modern garage is located on the eastern gable and is finished in vertical timber cladding and metal box-profile roof sheeting.
- 2.2 The proposal is to erect an extension to house an additional bedroom and bathroom atop the existing single storey lean-to. No alterations are proposed to any internal rooms. A mansard style roof is proposed with a flat roof and a 65° pitched roof to the east and west elevations. Rooflights measuring 0.5m wide and 0.9m tall are proposed to the east and west sloped elevations. Two windows are proposed on the northern elevation.
- 2.3 No alterations to the servicing or access to the property are proposed.

3.0 Reasoning

- 3.1 The main consideration in this Review is the principle of development, its layout, siting and design and whether there will be any adverse impacts upon the amenity or character of the adjacent properties.
- 3.2 The LRB agreed that the Appointed Officer had identified the relevant Aberdeenshire Local Development Plan 2017 policies and they were as follows:
- Policy R2 Housing and employment development elsewhere in the countryside
- Policy R1: Special rural areas; and
- Policy P1: Layout, siting and design
- 3.3 The applicant requested that the Review be undertaken by means of further written submissions, one or more hearing sessions and a site inspection of the land to which the Review relates. The LRB members were in agreement that they had sufficient information before them and proceeded to determine the Notice of Review.
- 3.4 The Planning Adviser stated that the Appointed Officer's Report of Handling accepts that the proposed extension would not be unduly large and would not increase the floor area of the house, nor would it extend above the ridge of the existing property. However, it was noted

the Appointed Officer considered the proposed mansard style roof is not in keeping with the existing or neighbouring steading's character, and would create an overbearing gable to the rear of the property. The Planning Adviser also advised the Report of Handling states that the proposed rooflights on the eastern boundary would be within 10m of the communal boundary with the neighbouring property of Liamvale, which would be directly overlooked as a result of the proposed development.

- 3.5 Members of the LRB noted that Liamvale also has a mansard style roof and queried if design standards had changed. The Planning Adviser stated that the extension to the neighbour was approved in 2006, and design standards are expected to improve over time.
- 3.6 The Planning Adviser informed members of the LRB that a previous Planning Application proposing a mansard style roof was withdrawn following the concerns of the Planning Service. An amended design of a pitched roof was submitted and subsequently approved, with that permission being extant at the time of the LRB meeting.
- 3.7 Members of the LRB queried whether the rooflights to the east could be obscured to minimise overlooking. Following discussion and a vote on the option of a condition requiring the installation of opaque glass in the windows on the eastern elevation the LRB agreed to uphold the Appointed Officer's decision to refuse Planning Permission.

4.0 Reason for Refusal

- (1) The proposal would not comply with Policy P1 Layout, siting and design of the Aberdeenshire Local Development Plan 2017 as its design is not in keeping with the character of the existing building, nor the adjacent steading and it would have an adverse impact on the privacy of the neighbouring property.



Karen Wiles
Head of Legal and Governance

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under section 43A(8)

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.